



CITY OF OAKLAND
OFFICE OF PLANNING AND BUILDING

COLISEUM SHORELINE PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT ADDENDUM

October 20, 1994

ER 93-49
SCH# 94043015

File No. ER93-49
Ref. No. CM94-144

City of Oakland
Oakland, California

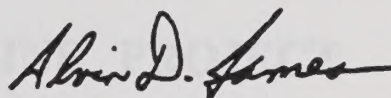
FINAL ENVIRONMENTAL IMPACT REPORT FOR:

Coliseum Shoreline Project

(Project Title)
California Environmental Quality Act

CERTIFICATION OF COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Director of City Planning finds that the attached Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act, the Guidelines prescribed by the Secretary for Resources, and the provisions of the City of Oakland's Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act.



ALVIN D. JAMES
Director of City Planning

DATE: October 20, 1994

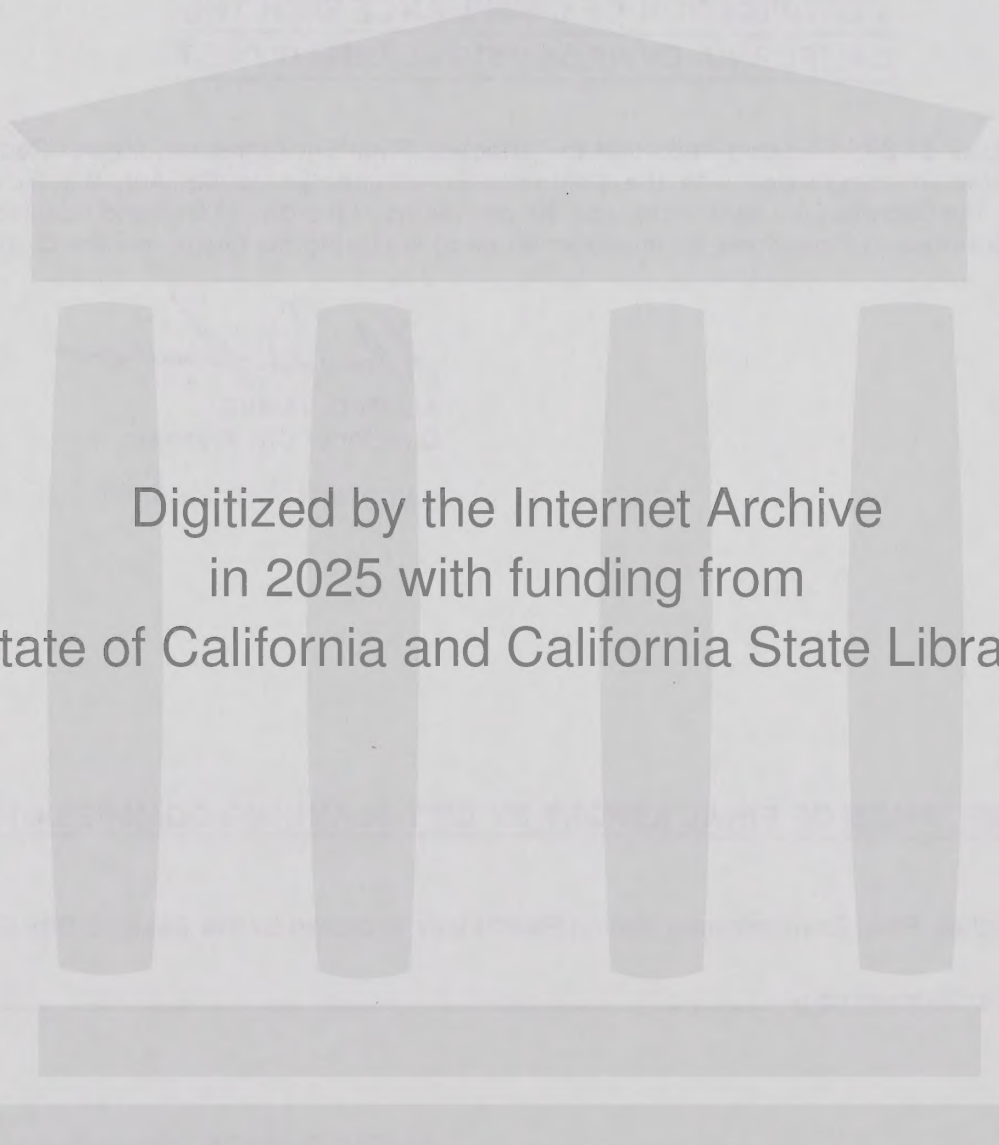
ACCEPTANCE OF FINAL REPORT BY CITY PLANNING COMMISSION

The attached Final Environmental Impact Report was accepted by the Oakland City Planning Commission at its meeting of _____.

MARIA BANICO, Secretary
City Planning Commission

October 20, 1994

CITY OF OAKLAND
OFFICE OF PLANNING AND DESIGN



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FINAL ENVIRONMENTAL IMPACT REPORT ADDENDUM

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I. INTRODUCTION

A. CEQA PROCESS

On July 1, 1994, the City of Oakland Office of Planning and Building (the "Lead Agency") released for public review a Draft Environmental Impact Report ("Draft EIR") on the proposed Coliseum Shoreline Project (EIR 93-49, SCH No. 94043015). The 45-day total public review and comment period on the Draft EIR began on July 1, 1994, and closed on August 19, 1994.

The Draft EIR for the Coliseum Shoreline Project, together with this Addendum constitute the Final EIR for the proposed project. The Final EIR is an informational document prepared by the Lead Agency that must be considered by decision makers (including the Oakland City Planning Commission) before approving or denying a proposed project. California Environmental Quality Act ("CEQA") *Guidelines* (Section 15132) specify the following:

"The Final EIR shall consist of:

- (a) The Draft EIR or a revision of the draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency."

This document has been prepared pursuant to CEQA *Guidelines*. This Final EIR Addendum incorporates comments from public agencies and the general public, and contains appropriate responses by the Lead Agency to those comments.

B. METHOD OF ORGANIZATION

This Final EIR Addendum for the proposed Coliseum Shoreline Project contains information in response to concerns raised during the public comment period.

Section II contains a list of all persons and organizations who submitted written comments on the Draft EIR and all persons and organizations who testified regarding the adequacy or content of the EIR at the public hearing on the Draft EIR, which was held on July 20, 1994.

Section III contains copies of written comments and a transcript of the public hearing comments, and

responses to those written and oral comments. Each comment letter and the public hearing transcript is labeled with a letter of the alphabet; the transcript identifies each oral commenter; and each comment is numbered in the margin of the letter. The responses to the comments follow that letter or transcript. In some cases, the response refers to another response to a similar comment; the comments are referenced by letter and comment number, as in "the response to comment C2" which references the response to the second comment of Letter C. The Table of Contents lists persons or agencies submitting written comments individually.

Section IV of this document contains staff-initiated text changes to the Draft EIR, reflecting necessary additions and corrections initiated by staff to correct the Draft EIR text. Where a text change is made as part of a response to a public comment, the text change will be found within the response to the comment in Section III.

Section V lists the names of the report authors and consultants, as well as all persons and organizations contacted in the preparation of this Final EIR Addendum.

II. PERSONS AND ORGANIZATIONS COMMENTING ON THE DRAFT EIR

A. PERSONS AND ORGANIZATIONS COMMENTING IN WRITING

The following agencies, organizations, and individuals submitted written comments on the Draft EIR during the review period (July 1 to August 19, 1994):

PUBLIC AND PRIVATE AGENCIES AND ORGANIZATIONS

City of Oakland
Office of Planning and Building
Philip A. Grubstick, Plan Check / Engineering Services Manager

San Francisco Bay Conservation and Development Commission
Joseph LaClair, Bay Design Analyst

San Francisco Bay Trail
Association of Bay Area Governments
Brian Wiese, Trail Development Coordinator

East Bay Municipal Utility District
John B. Lampe, Director of Water Planning

Golden Gate Audubon Society
Arthur Feinstein, Program Coordinator

City of Alameda
Colette Meunier, Planning Director

League of Women Voters of Oakland
Katherine Geuldner, President

Governor's Office of Planning and Research
State Clearinghouse
Michael Chiriatti, Jr., Chief

California Department of Transportation, District 4
Transportation Planning Branch
Kit Curtiss, Senior Transportation Planner

City of San Leandro
June Catalano, Development Services Director

California State Coastal Conservancy
Karen Rust, Project Analyst

East Bay Regional Park District
T. H. Lindenmeyer, Environmental Specialist

Port of Oakland
Joe Marsh, Project Planning / Loretta Meyer, Environmental Assessment Supervisor

Alameda-Contra Costa Transit District
Tina B. Konvalinka, Senior Planner

Restoring the Bay Campaign
Ruth Gravanis, Director

INDIVIDUALS

None

B. PERSONS AND ORGANIZATIONS COMMENTING AT THE PUBLIC HEARING

The following agencies, organizations, and individuals commented on the content or adequacy of the Draft EIR at the Oakland City Planning Commission Hearing on the Draft EIR at the Lakeside Garden Center on July 20, 1994:

Steve Mattas, Assistant City Attorney
City of San Leandro

June Catalano, Development Services Director
City of San Leandro

Pamela Clark
League of Women Voters of Oakland

Judy Rowe
Oakland Planning Commission

Yui Hay Lee
Oakland Planning Commission

Dolores Jaquez
Oakland Planning Commission

III. COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Copies of written comments and a transcript of the public hearing comments, and responses to those written and oral comments are presented in this section of the Final EIR Addendum. Each comment letter and the public hearing transcript is labeled with a letter of the alphabet; the transcript identifies each oral commenter; and each comment is numbered in the margin of the letter. The responses to the comments follow that letter or transcript. In some cases, the response refers to another response to a similar comment; the comments are referenced by letter and comment number, as in "the response to comment C2" which references the response to the second comment of Letter C.

C I T Y O F O A K L A N D

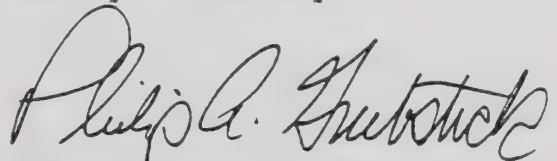
Memorandum

TO: City Planning
ATTN: Anu Raud, Environmental Review Coordinator
FROM: Plan/Engineering Services
DATE: August 5, 1994

RE: COLISEUM SHORELINE PROJECT, EIR

The following are comments resulting from our review of the Draft EIR for the Coliseum Shoreline Project dated July 1, 1994.

1. In Section 3.4, it is stated that the western half of the site drains into a stormwater retention/settling basin facility. Is this facility utilized for collection of only localized storm water runoff or for runoff from a larger region? On Page 4.8-2, it appears that the retention/settling basin facility only serves a portion of this site and is not important for sediment control of the surrounding area. Some clarification may be needed.
2. In Section 4.8, the impacts of project development on storm water quality focus on the construction phase of the project and the utilization of construction "best management practices." Some discussion is necessary of the final project facilities such as the large parking lot, loading docks, trash collection and wash down areas, and what measures must be incorporated into the design to minimize contribution to pollution of storm water runoff. Structural controls, such as inlets that incorporate sand filters or oil/water separators, may be required to provide storm water pollution prevention controls from these areas.
3. In Section 4.11, "Wastewater", a statement is made that storm drain sewers serve to transport storm water to treatment facilities. Storm water runoff is not routed to a treatment facility. Storm inlets drain directly to the bay.



PHILIP A. GRUBSTICK
Plan Check/Engineering
Services Manager

PAG:ml

cc: Calvin Wong

doc:coliseum.iol

A. Responses to Comments from Philip A. Grubstick, Office of Planning and Building

1. In Section 3.3 of the Draft EIR, the site was defined as being "bounded on the northeast by Oakport Street (an I-880 frontage road), on the northwest by Damon Slough, on the southwest by Southern Pacific Railroad spur tracks, and on the southeast by Hassler Way. Then, in Section 3.4, the site is described as "covered by fill material that has been graded for stormwater retention and drainage." The section goes on to describe the resultant drainage of the site, including the stormwater retention/ settling basin facility on the western half of the site. Therefore, in this context, the stormwater facility serves the western half of the site only.

The comment reference to page 4.8-2 of the Draft EIR is correct in that the stormwater facility only serves a portion of the site.

2. The comment is noted. "Structural controls" would become part of the Storm Water Pollution Prevention Plan ("SWPPP") that will be submitted to the San Francisco Regional Water Quality Control Board. The actual elements of this plan can not be specified at this time, but rather will depend on finalized detailed engineering and construction specifications for building and infrastructure design. The EIR on the preliminary development plan is not intended to be the source of specification level engineering data. Such technical specifications are routinely completed during subsequent stages of the City's development review process, after the basic design parameters of the project have been clearly established by the Planning Commission.

The California Storm Water Best Management Practice Handbook for Construction Activity provides a wide array of practices for the control and management of pollution in stormwater flows from project sites. The handbook indicates that no specific management measure must be included in the SWPPP. Each project site is unique and will require its own set of pollution control measures. These measures are determined in response to the anticipated grading plan and other project-specific construction activities. The handbook recognizes that "because site conditions will vary during construction, the SWPPP should be revised as necessary, with any changes highlighted on the copy maintained at the construction site. There is no formal revision process; upon inspection the SWPPP must reflect the existing status and condition of these [sic] site."

3. The comment points out an error in the Draft EIR's description of stormwater drainage. The following sentence replaces the last sentence on page 4.11-4:

"The storm drain sewers, which are separate from the sanitary sewer lines to treatment facilities, transport stormwater runoff to the Bay."

Correction of this text does not affect findings of significance in the EIR and is provided for clarification purposes only.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CALIFORNIA 94102-6080
PHONE: (415) 557-3686

August 9, 1994

Stanley Muraoka
City of Oakland
Office of Economic Development
and Employment
1330 Broadway
Oakland, California 94612

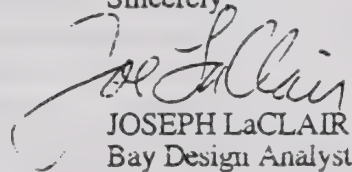
SUBJECT: Draft Environmental Impact Report for the Coliseum Shoreline Retail Center; SCH # 94043015; BCDC Inquiry File Nos. AL.OA.6924.3 and MC.MC.7415.22

Dear Mr. Muraoka:

1 Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Coliseum Shoreline Retail Center. The DEIR is dated July 1, 1994 and was received in our office on July 7, 1994. The Commission has not reviewed the DEIR, so the following staff comments are based on the San Francisco Bay Plan, the McAteer Petris Act and the environmental analysis of the proposed retail project in the DEIR. After careful review of the DEIR, the staff believes that the DEIR successfully addresses the issues raised by the Commission staff in our May 5, 1994 letter responding to the Notice of Preparation (NOP) of an environmental impact report for the project.

If you have any questions regarding the comments in this letter, please do not hesitate to phone me at (415) 557-3686.

Sincerely,


JOSEPH LaCLAIR
Bay Design Analyst

JL/kw

cc: Nadell Gayou, Resources Agency
Nandini Shridhar

B. Response to Comment from Joseph LaClair, San Francisco Bay Conservation and Development Commission

1. The comment notes that issues of concern to the Bay Conservation and Development Commission have been addressed adequately in the EIR. The comment is noted.



August 10, 1994

Anu Raud
Environmental Review Coordinator
Oakland City Planning Department
421 14th St., 1st Flr.
Oakland, CA 94612

RE: Oakland Coliseum Shoreline Project, DEIR

Dear Ms. Raud:

The Bay Trail Project would like to offer the following comments on the Coliseum Shoreline Project Draft EIR:

1 | Page 4.4-21 of the document, under the heading "Bicycle Facilities", cites map 4 of the Oakland Policy Plan, reproduced here as Figure 4.4.6, showing Existing and Planned Bikeways. The indication of the Proposed Bike Route (Unspecified Alignment), shown on the map as a solid line following the shoreline of San Leandro Bay, is, in fact, an existing pedestrian and bicycle path, which is part of the San Francisco Bay Trail and the East Bay Regional Park District's Martin Luther King, Jr. Regional Shoreline. I have attached a map of this segment for your reference. The EIR should reference this as an existing trail, shown in the ABAG Bay Trail Plan (1989, Association of Bay Area Governments).

2 | The Bay Trail segment in question extends along the Martin Luther King, Jr. Regional Shoreline, between Doolittle Drive at its southern end and Tidewater Ave. on the north, (it will eventually extend to High Street), representing approximately four miles of existing trail, with the exception of a single gap, at Damon Slough. We believe that this trail offers a significant opportunity for the Coliseum Shoreline Project to provide shoreline and bicycle-pedestrian access and help mitigate the project's regional traffic impacts. We also suggest that, because the trail segment is shown as part of Oakland's Policy Plan, the Coliseum Shoreline Project provides an excellent opportunity to complete the single remaining gap in this trail segment.

3 | The Coliseum Shoreline Project proposes improved bicycle access on Oakport Street (Impact 4.4-13, p. 4.4-46). Given the projected increase in project-generated vehicle trips (8,977 weekday and 12,294 weekend ADT) which will be using Oakport St., the safety and utility of these improvements appears questionable. The project proposes a bike lane on Oakport, *northbound only*, and an "improved bicycle route" on Oakport, southbound. (A bicycle route, by

3

definition, is a street designated and signed for bicycle use, but with no other improvements. What is an "improved bicycle route"? Furthermore, although Oakport will be widened to permit sidewalks and a bike lane, these improvements will not be permitted by the width of the existing bridge across Damon Slough, a "pinch point" where bicycles will have to merge with traffic. While we support bicycle and pedestrian improvements on all streets, Oakport may not be the best alternative for bicycle access to the project. The existing Bay Trail segment, by contrast, is completely separated from traffic, and connects with Oakport and major streets.

4

The project also proposes a 50'-wide linear greenway along the southern bank of Damon Slough (p. 3-5 and fig. 3.3). To our knowledge, part of this strip has already been dedicated by the Port of Oakland and leased by the Regional Park District, and extends to the Regional Shoreline, as shown on the attached map. However, as shown in fig. 3.3, the strip does not connect with anything at either end. We suggest that there is an opportunity to connect to the Regional Shoreline and to complete the missing link in the trail at Damon Slough.

5

Two connections are possible: a new bridge at the mouth of Damon Slough, along the existing trail alignment, or the existing rail bridge at the southwest corner of the proposed project. The EIR (p. 3-5) alludes to the Southern Pacific tracks, which are included as part of the project setback, but does not specify the present use or future plans for the tracks and bridge. The EIR should address the following questions: How often is the rail spur used? Are there plans for their continued use, and will the use increase or decrease. Who owns the fee in the rail right-of-way? If the fee is owned by SP, is there a possibility of obtaining a bicycle-pedestrian easement on the existing bridge from SP? Alternatively, could a bicycle-pedestrian trail be cantilevered from the side of the bridge?

6

In conclusion, we feel that the City's development of this area presents an opportunity to connect to and complete the existing regional trail system. Such a connection would provide better access to the project and better shoreline access than the alternatives proposed and would better mitigate the traffic impacts generated by the proposal. It would also fulfill objectives stated in the Oakland Policy Plan and the ABAG Bay Trail Plan. Thank you for the opportunity to comment on this project.

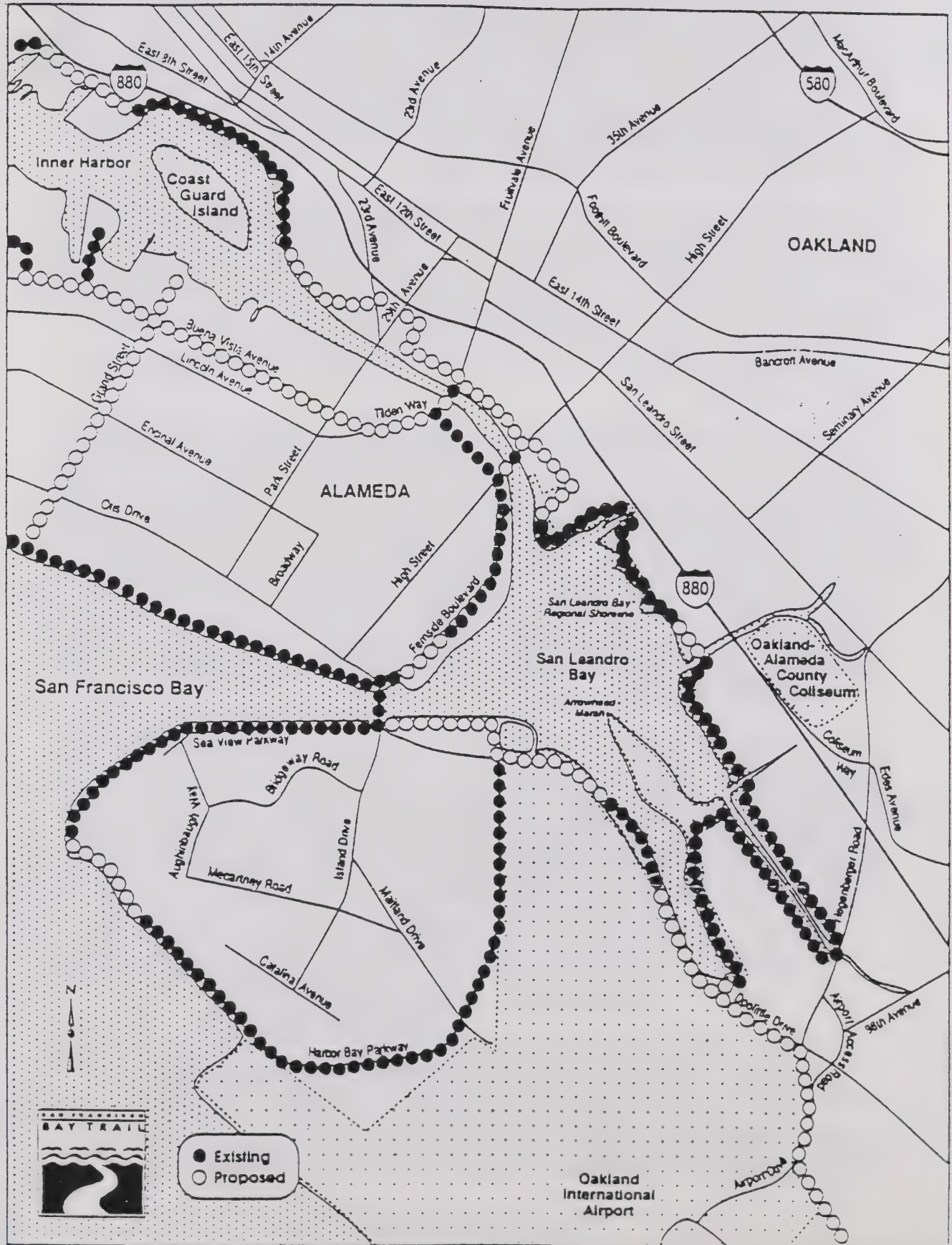
Sincerely yours,



Brian Wiese
Trail Development Coordinator

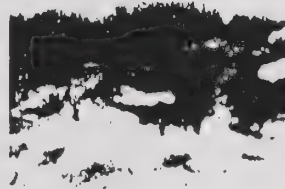
cc: Martin Vitz, EBRPD
Joe LaClair, BCDC

MAP 2 - BAY TRAIL SOUTHERN WATERFRONT





IN ORDER TO REDUCE OR PREVENT THE RISK OF SERIOUS INJURY OR DEATH, THE DISTRICT STAFF RECOMMENDS THAT EQUESTRIANS AND BICYCLISTS WEAR HELMETS ALL TIMES.



DISABLED ACCESS includes parking and curb cuts, paved trails, fishing access, restrooms and drinking fountains, and a marsh overlook platform.

BEACH CAFE serves breakfast and lunch, from 7 a.m. to 3 p.m. daily.

AC TRANSIT INFORMATION: AC Transit lines #49 and 98 operate from the BART/Coliseum station, and #58 operates from Jack London Waterfront. All will bring you to within walking distance of the park. Phone AC Transit for complete schedule information: (510) 839-2882. TDD: 1-800-448-9790.

PLEASE LET US KNOW how this map may be improved to help you use this park. Please write to us or call with your suggestions: EBRPD Publications, 2950 Paralta Oaks Court, P.O. Box 5381, Oakland, CA 94605-0381, (510) 635-0138, ext. 2210.

ALAMEDA COUNTY
FLOOD CONTROL
EASEMENT LINES

25' WIDE AREA
LEASED TO EBRPD

EBRPD
LEASE LINE

DAMON CHANNEL

154.395'

210'

25'

55' SE

170'

100'

488.040'

15' SETBACK (S & R)

100' BCDC
SHORELINE BAY

112.954'

253.576'

C. Responses to Comments from Brian Wiese, San Francisco Bay Trail Project

1. The comment correctly points out an error in Figure 4.4.6 of the Draft EIR. The comment is noted and a revised figure is provided following these responses to comments from the San Francisco Bay Trail Project. The error in the figure included in the Draft EIR does not affect the adequacy or findings of the Draft EIR. The corrected figure is included in this Final EIR Addendum for informational purposes only.
2. While the comment addresses a valid policy concern about bicycle and pedestrian access, it does not address the content or adequacy of the EIR. The Bay Trail segment across Damon Slough is part of the system of existing and proposed bikeways included in the *Oakland Policy Plan*; and accordingly, the City will participate in efforts to install the remaining proposed segments of the Bay Trail. The City is committed to comprehensive planning for public access to the waterfront and shoreline areas. The proposed project would improve bicycle and pedestrian access along Damon Slough by providing a paved trail and landscaping. The actual crossing of Damon Slough would occur off the project site and is not part of the proposed project.
3. The southbound bicycle route will be "improved" in that road surface conditions will be better than existing due to the project; the project will include street improvements along its Oakport Street frontage such as curbs, gutters, and new pavement. The City acknowledges the "pinch point" at the existing bridge and recognizes that the improved bicycle facilities would be augmented when the Bay Trail segment across Damon Slough is in place. Please see the response to comment C2 above.
4. The comment is noted. A 25 foot corridor along the southern bank of Damon Slough is set aside as a public trust easement from the Port of Oakland (Alta Title Report, First American Title, September 1993). This easement has not been granted to the East Bay Regional Park District (letter to James Rinehart, Office of Economic Development and Employment, from Martin Vitz, East Bay Regional Park District, October 13, 1994). The easement is in favor of the State of California.

The proposed project would preserve and enhance public access to Damon Slough within the 100 foot BCDC jurisdiction zone on the project site as described on page 3-5 of the Draft EIR. Access along Damon Slough outside the project site is not part of this project and accordingly, is not within the scope of the EIR. However, the City notes that a connection to the Regional Shoreline would require a crossing of the Southern Pacific Railroad spur track and access across the 7.8-acre parcel west of the railroad track owned by the Port of Oakland. Also, see the response to comment C2 above.

5. The Bay Trail segment across Damon Slough is part of the system of existing and proposed bikeways included in the *Oakland Policy Plan*; and accordingly, the City will participate in efforts to install the remaining proposed segments of the Bay Trail. Moreover, the City is committed to comprehensive planning for public access to the waterfront and shoreline areas.

The proposed project would improve bicycle and pedestrian access along Damon Slough by providing a paved trail and landscaping. The actual crossing of Damon Slough would occur off the project site and is not part of the proposed project.

Regarding the referenced railroad spur, the current level of use of the spur line is not relevant to any EIR impact analysis; however, the following information is provided for informational purposes only. Southern Pacific Railroad operates this facility on a "demand" basis; since it is a dead-end line, railroad operations are limited to users located along this spur line and the level of activity will vary with demand by these users. The limited potential for noise impact resulting from the low level of use of this spur line is acknowledged on page 4.9-3 of the EIR.

6. Please see the response to comment C2 above.

Figure 4.4.6
Oakland Existing and Planned Bikeways

August 11, 1994

Oakland Planning Commission
Attention: Anu Raud, Environmental Review Coordinator
Oakland City Planning Department
421-14th Street, 1st Floor
Oakland, CA 94612

SUBJECT: Coliseum Shoreline Project, Oakland
Draft Environmental Impact Report

Dear Ms. Raud:

Thank you for the opportunity to review the subject environmental document. The District has the following comments regarding water service and wastewater service for the proposed project..

WATER SERVICE

1 | On page 4.11-3, last paragraph, 1986 is the last pre-drought year for which data is available. Data is available for subsequent years, but have been affected by water conservation measures caused by the drought.

2 | On pages 4.11-9, Mitigation Measure 4.11-4, the District recommends that the project sponsor commit to the additional mitigation measures listed in the first paragraph of page 4.11-10.

3 | Off-site and on-site pipeline improvements may be required to meet the fireflow and water service metering requirements of the project. The need and extent of the necessary improvements will be determined when the project sponsor requests a water service estimate from the District's New Business Office. The water service estimate will provide information on the cost of these improvements, if needed. The project sponsor should contact the District's New Business Office at (510) 237-1008 when development plans are finalized. Sufficient lead time should be included in the project schedule to allow for the planning, design, and construction of these pipeline improvements.

WASTEWATER

4 | On page 4.11-4, the first sentence under the heading of Wastewater should be revised: EBMUD provides treatment for the Stege Sanitary District, Albany, Berkeley, Emeryville, Piedmont, Alameda, and Oakland. The Stege Sanitary District service area includes about 3,100 acres comprising El Cerrito, Richmond Annex,

Oakland Planning Commission
Attn: Anu Raud
August 11, 1994
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4 | and Kensington, and is mostly residential and commercial neighborhoods. In the same paragraph, the plant's capacity should be noted as 320 million gallons per day (MGD) of primary treatment rather than 310 MGD as stated.

5 | On page 4.11-10, Impact 4.11-5, the City of Oakland has completed rehabilitation of approximately 33 percent of the subbasins targeted for rehabilitation in their Inflow/Infiltration (I/I) Correction Program. The I/I Correction Program allows for a 20 percent increase in base wastewater flow for each subbasin due to changes in land use or population. The project sponsor should confirm with the City of Oakland's Public Works Department to ensure that the subbasin flow increase allocation has not been allocated to other developments. If development increases the base wastewater flow above this allowance, an equal amount of I/I must be removed to prevent the total wet weather flows from exceeding transport and treatment capacity.

If you have any questions, or if the District can be of further assistance, please telephone William W. McGowan, Jr., Associate Civil Engineer, Water Service Planning, at (510) 287-1031.

Very truly yours,

 (acting)

John B. Lampe
Director of Water Planning

JBL:WWMcG:dd
9425.wp6

D. Responses to Comments from John B. Lampe, East Bay Municipal Utility District

1. This comment points out an error in the Draft EIR's description of water consumption rates. The comment is noted. The following language replaces the fourth paragraph on page 4.11-3:

"Water consumption rates are monitored at a district-wide level rather than by individual communities. In 1993 the gross water demand in the district totaled 189.2 million gallons per day ("MGD").^a This total included metered water and unaccounted water (i.e., water used for fires, water lost due to main breaks, etc.). On the whole, water consumption rates in years subsequent to the beginning of the last drought (1986) have decreased because of water conservation measures and reduced water supplies available to EBMUD.^b"

Correction of this text section does not alter findings of significance in the EIR and is provided for clarification purposes only.

2. The comment is noted. Final listing of conditions of approval, which may or may not include all listed recommendations in the first paragraph on page 4.11-10, will be determined by the City of Oakland during the project approval process.
3. The comment is noted. The comment describes the process by which the project sponsors would request a water service estimate from the East Bay Municipal Utility District to determine the need for and extent of off-site and/or on-site pipeline improvements to meet fireflow and water service metering requirements of the proposed project. If the project is approved, the project sponsors will contact EBMUD for a water service estimate.
4. The comment points out an error in the Draft EIR's description of EBMUD's Special Service District No.1 and Wastewater Treatment Plant's capacity. The comment is noted. The following text replaces the first sentence of the first full paragraph on page 4.11-4:

"EBMUD's Special District No. 1 (SD-1), established in 1944, provides treatment and disposal of sanitary and industrial wastewater from the Stege Sanitary District, and the Cities of Albany, Berkeley, Emeryville, Piedmont, Alameda and Oakland. The Stege Sanitary District service area includes about 3,100 acres comprising of El Cerrito, Richmond Annex and Kensington."

^aMcGowan, William, Civil Engineer, EBMUD, Telephone Communication, August 26, 1994.

^bCity of Oakland, *supra* n.2.

The following sentence replaces the fourth sentence of the first full paragraph on page 4.11-4:

"The Plant's current capacity is 320 MGD of primary treatment and 168 MGD of secondary treatment."

Correction of this text does not affect findings of significance in the EIR and is provided for clarification purposes only.

5. The comment is noted. The City of Oakland's Office of Public Works Engineering and Design Division concurs that the proposed project would not have a significant effect on base wastewater flows.[°]

[°]Boyd, Warren, Office of Public Works Engineering and Design Division, City of Oakland, Telephone Communication, September 2, 1994.



Golden Gate Audubon Society

2530 San Pablo Avenue, Suite G • Berkeley, CA 94702 • Phone: (510) 843-2222 • Fax: (510) 843-5351

Americans Committed to Conservation • A Chapter of the National Audubon Society

August 11, 1994

Oakland City Planning Commission
Attention: Anu Raud, Environmental Review Coordinator
Oakland City Planning Department
412--14th Street, First Floor
Oakland, CA 94612

RE: Coliseum Shoreline Project, Draft Environmental Impact Report, SCH #94043015

Dear Commission:

The Golden Gate Audubon Society would like to make the following comments on the above referenced project.

On page 4.10-6 the DEIR recognizes that there are at least 2.2 acres of wetlands on the project site that will be lost as a result of this project. Our members have documented significant wildlife usage of these wetlands. During the migratory season hundreds of shorebirds and ducks use these wetlands for roosting and possible feeding.

San Leandro Bay has suffered tragic wetland losses over the course of this century. Designated a state wildlife sanctuary in the 1930's, San Leandro Bay once hosted about 2600 acres of tidal marsh which provided a home for hundreds of thousands of waterfowl and shorebirds. Filling and development have left this once rich resource with only 76 acres of tidal marsh. Yet tens of thousands of waterfowl and shorebirds still return every year making use of what little wildlife habitat remains.

In light of these losses, it is clear that the further loss of 2.2 acres of wetlands can assume important dimensions. Thus our membership was saddened to learn of the proposed loss of these wetlands.

The fact that these wetlands may be exempt from Section 404 regulation (we are not yet convinced that this is entirely correct) does not alter the fact that a serious impact on wildlife resources will result from this loss of wetlands. This loss of wildlife resources will also significantly diminish the quality of life for Oakland's residents. The Martin Luther King, Jr. Regional Park on Arrowhead Marsh and San Leandro Bay provides the residents of Oakland with one of their only opportunities to appreciate wildlife at close

3

hand and to see an endangered species, the California clapper rail. It is one of the few easily accessible areas in which Oakland residents can get a glimpse of our natural world.

We understand that the project sponsors are proposing, as part of the project, a public access component within the 100 foot shoreline band over which the Bay Conservation and Development Commission (BCDC) has jurisdiction. As part of this public access component we urge you to consider including a wetland restoration component of approximately .3 to .4 acres of wetlands, all within the BCDC 100 foot shoreline band.

Such a wetland restoration component would provide many benefits to the community and the project.

(1) It would help offset the loss of wetlands that will take place as a result of this project. While such a restoration project would not replace the entire wetlands acreage lost to the project it would still provide significant values to wildlife. If a wetland area is restored, then the site could continue to see usage by ducks such as cinnamon teal and shorebirds such as sandpipers, willets and many others.

(2) Such a restoration will serve to greatly enhance the project itself, providing a nature-viewing recreational element that will help attract customers to COSTCO and other potential vendors on the site, while also providing an important amenity to the employees. It would also, of course, greatly enhance the value of the public access component of the project.

(3) It could give the entire community, including our Society's members, a chance to become a part of the project by giving the community an opportunity to help with wetland vegetation planting and other wetland restoration tasks.

Your inclusion of a wetland restoration component will make this project one both the project sponsor's and the community can take pride in. One that recognizes the need to preserve our natural world even as we seek increased economic opportunity.

We hope you will look kindly upon such a proposal.

Sincerely yours,



Arthur Feinstein
Program Coordinator

4

E. Response to Comments from Arthur Feinstein, Golden Gate Audubon Society

1. The comment is noted. The City concurs with the Audubon Society on the significant wildlife usage of the wetlands of San Leandro Bay, and has conducted rigorous biological resources investigation of the project site. Accordingly, the statement on page 4.10-6 of the Draft EIR regarding 2.2 acres of wetlands should be placed in the context of the location of these on-site areas and their relative value as biological habitats, as described in the project site description on pages 4.10-1 to 4.10-6 and the impacts and mitigations discussion on pages 4.10-20 to 4.10-22. Additionally, at the City's request, the U.S. Army Corps of Engineers conducted field surveys of the site and determined that there are 0.06 acres (roughly 2,600 square feet) of regular ponding on the site.^d According to the Corps, "fill placed in this 0.06 acre wetland, that are above the headwaters, will likely qualify for Department of Army authorization under nationwide permit #26 for impacts of less than on [sic] acre (33 CFR 330 Appendix A (b) (26)) pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). So long as impacts to the aquatic ecosystem are minimal and all conditions listed in the enclosure are met, notification to the Corps of Engineers requesting written verification that such fill is authorized under the nationwide permit is optional."^e Based on this determination, the project as proposed can be built without obtaining written authorization from the Corps. Inclusion of the above text does not affect findings of significance in the EIR and is provided for informational purposes only.
2. The City is concerned about the loss of wetlands in the local area and has modified the project to include a 0.37 acre (roughly 16,100 square feet) seasonal freshwater wetland project within the 100 foot shoreline band along Damon Slough. This information does not affect findings of significance in the EIR and is provided for clarification purposes only.
3. The proposed project would improve bicycle and pedestrian access along Damon Slough by providing a paved trail and landscaping and would complement existing shoreline parklands in the vicinity. The project would not only preserve visual access to the shoreline, but would also enhance the quality of the shoreline experience through direct wetlands creation and landscaping. Please see the response to comment E2 above.
4. The comment is acknowledged. The project has been modified to include a 0.37 acre (roughly 16,100 square feet) seasonal freshwater wetland project within the 100 foot shoreline band along Damon Slough. These wetlands will be adjacent to and augment the 0.24 acres of off-site wetlands already present along the south shore of the slough. This information does not affect findings of significance in the EIR and is provided for clarification purposes only.

^dLetter to the City of Oakland from Max R. Blodgett, U.S. Army Corps of Engineers, August 19, 1994.

^e*Ibid.*



August 15, 1994

Mr. Stanley Muraoka
City of Oakland
Office of Planning and Building
Planning Division
421 14th Street
Oakland, CA 94612

RE: Draft Environmental Impact Report - Coliseum Shoreline Retail Center

Dear Mr. Muraoka:

Thank you for the opportunity to provide comments on the above project. The City of Alameda offers the following traffic-related comments:

- 1 | • Pg. 4.4-4, 4th paragraph - Regarding the 27 percent auto drivers in a mode split, please provide a relevant source and a comparable industry standard.
- 2 | • Figure 4.4.3 indicates that there is no additional traffic generated on southbound Oakport Street associated with Coliseum events. This would not appear to be correct. Please explain this assumption and also indicate the ADT's on the figure. Additionally, please indicate traffic volumes on the Doolittle Drive. The I-880 off-ramp volumes at 66th Avenue in both directions do not match ramp turning counts.
- 3 | • Pg. 4.4-14, Table 4.4.3 - The ramp-freeway junctions should be analyzed using the methodology contained in the Chapter 5 of the 1985 Highway Capacity Manual. Please provide a table for the other scenarios including 2010 Background conditions plus project plus cumulative projects (such as other planned retail projects and the 2002 Airport Development Program).
- 4 |
- 5 | • Pg. 4.4-16, 4th paragraph - Please include the potential impact on BART usage with the project plus the proposed suspended LRT from the Coliseum BART Station to the Oakland Airport.

Planning Department, Room 102

City Hall
2263 Santa Clara Avenue · 94501-4454
Tel: 510.748 4554

Muraoka Letter
August 15, 1994
Page 2.

6 | • Figure 4.4.6 - Please note that the bikeways on Fernside Drive and Doolittle in the City of Alameda are existing. Please add to the figure the bike bridge currently under construction which is parallel to the San Leandro Bridge.

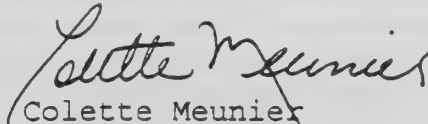
7 | • Pg 4.4-25, 4th paragraph - The cumulative growth scenarios do not appear to include other planned projects in the vicinity. At a minimum, the 2002 Airport Development Program for the Municipal Oakland International Airport, and retail projects contained in the December 1993 Oakland-Alameda County Coliseum Expansion EIR should be included.

8 | • Figure 4.4.7 - The impact of the Main Project driveway along Oakport should be evaluated as a part of this study. The trip distribution of 8.5 % on Oakport appears to be too low, considering the fact that Oakport acts as a reliever route parallel to I-880, and is easily accessed by Alameda and Oakland.

10 | • Pg. 4.4-44, last paragraph - The text should read "On Oakport..Existing plus Project plus Coliseum Events plus Cumulative traffic volumes.." instead of "Existing plus Project traffic volumes.."

Thank you again for the opportunity to comment.

Sincerely,


Colette Meunier
Planning Director

CM:CE...\COLISEUM.EIR

xc: City Manager
City Attorney
Community Development Director
Public Works Director
Transportation Manager

FILE: OAKLAND - COLISEUM EIRS

F. Responses to Comments from Colette Meunier, City of Alameda

1. The source of the 27 percent auto mode split was the *Coliseum Arena Expansion EIR, City of Oakland, December 21, 1989*. For that EIR, the transportation consultant, Korve Engineering, developed the 27 percent based on separate surveys for a football event coinciding with a circus event (surveyed Saturday, August 26, 1989), and for a baseball activity (surveyed on weekdays, on September 12 and 13, 1989). The surveys "included counts of vehicular traffic, BART ridership, pedestrian activity, charter bus activity, and AC Transit ridership on all routes" to the Coliseum Complex. "The locations of parked vehicles, both in and adjacent to the Coliseum Complex, were also determined." "The traffic, transit, parking and pedestrian data from these activities was used to establish existing travel characteristics that are used to identify the impacts of each alternative event on the transportation network. These characteristics induce such factors as modal split, trip generation, and parking distribution."

The conclusions on the modal splits were that "between 74% and 85% of the patrons come to Coliseum events by private automobile." The average auto occupancy ranged from 2.8 to 3.4 persons per vehicle. "The high auto occupancy rates result in a low level of actual auto drivers, ranging from 27% to 28%, and a high level of patrons who travel as auto passengers (47% to 58%)." The rate of 27 percent was the rate surveyed for weekend day events and weekday night events.

2. As stated on page 4.4-7 of the Draft EIR, the existing Coliseum event traffic shown in Figure 4.4.3 reflects necessary adjustments to account for the fact that, if the project were constructed, "the Coliseum event traffic that currently uses the project site for spill-over parking would have to be diverted elsewhere, including locations along Oakport Street north of 66th Avenue." With the project, there would be only a negligible amount of Coliseum event traffic on southbound Oakport street on those rare occasions when patronage levels at the Coliseum Complex exceed the EIR peaks.

The rare events that reached or exceeded these EIR peak patronage levels have occurred an average of 6.3 times a year at any time on weekdays and five times a year at any time on weekends, as measured over the 1991-1993 time period (letter to Kirin Parmar, Korve Engineering, from William DiCarlo, Oakland-Alameda County Coliseum Complex, October 6, 1994). Thus, these rare events occur on roughly 11 days of any year, and do not always occur during the peak traffic periods evaluated in the EIR. At any occurrence of these rare events, the peak traffic periods would have a duration of one to two hours; the total number of hours would be from 0 to 22 hours during any one year.

The Average Daily Traffic ("ADT") volumes shown in figures for "Without Events at the Coliseum" conditions are presented in the Draft EIR for information purposes only; they are not used in the impact analysis, which was performed using peak-hour traffic volumes. The absence of the requested ADT volumes, therefore, does not affect the completeness or adequacy of the Draft EIR analyses.

Regarding Doolittle Drive, Korve Engineering conducted a preliminary study on an expanded area that included Doolittle Drive. It was assessed that project traffic volumes would not be a

significant addition to Doolittle Drive and that these intersections could be eliminated from further analysis.

The I-880 off-ramp volumes at 66th Avenue, shown on Figure 4.4.3 of the Draft EIR, incorrectly match those volumes shown on Figure 4.4.2 on page 4.4-5 of the Draft EIR. The corrected volumes are as follows:

Northbound Off-Ramp: 471 weekday p.m. peak-hour vehicles
553 weekend noon-hour vehicles

Southbound Off-Ramp: 1,804 weekday p.m. peak-hour vehicles
3,297 weekend noon-hour vehicles

A revised Figure 4.4.3 is presented following these responses to comments from the City of Alameda. Correction of this figure does not alter findings of significance in the EIR and is provided for clarification purposes only.

3. The comment is noted. Issues of concern related to freeway ramp operations have been addressed adequately in the EIR. The Draft EIR presents level-of-service analysis of freeway ramp intersections at 66th Avenue in Tables 4.4.2 (pages 4.4-11 and 4.4-12) and 4.4.7 (pages 4.4-31 to 4.3-33), and analysis of the 66th Avenue freeway ramps in Tables 4.4.3 (page 4.4-14) and 4.4.8 (page 4.4-40).
4. To clarify the discussion in the Draft EIR, tables summarizing traffic conditions under 2010 cumulative conditions at study intersections and ramps, and accompanying figures are included following these responses to comments from the City of Alameda. The following is a summary of the tables:

Intersection Impacts. Under Year 2010 weekday PM conditions levels of service would be acceptable. Mitigation previously described in the Draft EIR would continue to be sufficient to mitigate intersection operations.

Ramp Impacts. Ramp operations under the Year 2010 traffic conditions would continue to be acceptable.

Addition of this information does not alter the findings of significance in the EIR. Please note that the tables show Year 2010 conditions only for the PM peak period; weekend noon peak data for the Year 2010 is generally not available from the Alameda County Congestion Management Agency and other agencies.

In the tables, the growth rate assumed for the five study intersections and ramps was 8.5 percent, which is equivalent to one-half percent growth per year. In addition to the project traffic, traffic was also added to account for known cumulative developments, including those projects listed on page 6-2 of the Draft EIR, with two exceptions: (1) the Fruitvale BART Project already is included as a project within the Coliseum Area Redevelopment Plan; and (2) the BART-Oakland Airport Intermodal Connector Project is not included because useable traffic generation data for the project is not yet available. Other cumulative developments that

were included were the development of the American Can Facility site and development at the Del Monte Cannery site. Trip generation, distribution, and assignment for these developments was obtained from the various project study reports.

Freeway growth was based on ABAG *Projections '90* and amounted to 13.2 percent by the Year 2010. *Projections '90* data did not account for the current recession and therefore, the projections for Year 2010 are higher than the more conservative estimates in ABAG *Projections '94*. Therefore, the City conducted a census tract and traffic zone^f evaluation and compared the two sets of Year 2010 projections, one based on *Projections '90* and the other based on *Projections '94*, with data on approved projects and those known to be undergoing environmental review. This evaluation resulted in a finding that the 13.2 percent growth rate accounts for development of the Coliseum Area Redevelopment Plan, and retail development at the American Can and Del Monte sites. To avoid double-counting, only traffic from special generators such as the Airport Development Program and the Coliseum Complex expansion was added to establish the 2010 cumulative volumes. Proposed project traffic was then added to these volumes.

5. As stated on page 4.4-16 of the Draft EIR, the project is directly served by AC Transit Route 98, which connects to BART at the Coliseum Station; alternatively, the walking distance from the BART Coliseum Station to the project site is about one mile. However, as discussed on page 4.4-46, patrons of value-oriented retail developments generally purchase large items or many items, and thereby, need their own car or truck to transport purchases home. As stated in Draft EIR, on page 4.4-46, maximum peak-hour increases in ridership on AC Transit Route 98 associated with shoppers are estimated at 5-15 passengers. In addition, a maximum of 46 project employees would be expected to commute to work by transit, spread throughout the day; the largest number of potential employee transit-commuters would be on weekend mornings (8:00 a.m. to 12 noon), when the largest employee work force would be required. On the basis of the above-described transit patronage, there would be an insignificant effect on transit service in the project area, including AC Transit, BART, and the proposed LRT connection from the Coliseum BART Station and the Oakland Airport.
6. The comment correctly points out an error in Figure 4.4.6 of the Draft EIR. The comment is noted and a revised figure is provided following these responses to comments from the City of Alameda. The error in the figure included in the Draft EIR does not affect the adequacy or findings of the Draft EIR. The corrected figure is included in this Final EIR Addendum for informational purposes only.
7. The projects listed on page 6-2 of the Draft EIR are included in the cumulative 2010 analysis with two exceptions: (1) the Fruitvale BART Project already is included as a project within the Coliseum Area Redevelopment Plan; and (2) the BART-Oakland Airport Intermodal Connector Project is not included because useable traffic generation data for the project is not yet available. Other cumulative developments that were included were the development of the

^fTraffic analysis zones for the City of Oakland as established by the Alameda County Congestion Management Agency.

American Can Facility site and development at the Del Monte Cannery site.

Regarding retail projects included in the *December 1993 Oakland-Alameda County Coliseum Expansion EIR*, the "value-oriented retail development" along Oakport Street is the proposed project, while the Hegenberger Retail Shopping Center and the Cruise America R.V. Center have been constructed and are included in the existing conditions data.

8. The impact of the main project driveway was evaluated as part of the study for the Draft EIR using the *1985 Highway Capacity Manual* arterial analysis method. As stated on page 4.4-45 of the Draft EIR, the project includes signalization of the intersection of the main project driveway and Oakport Street. Also, the EIR recommends acceleration/deceleration and storage lanes where appropriate.

The comment indicates that there is an error in the Project Description section of the Draft EIR. The following paragraph replaces the fifth paragraph on page 3-5:

"Other integral components of the project include the redesign of Oakport Street to include signalization at the main project driveway, deceleration/acceleration lanes along the project frontage to enhance traffic safety, provision of sidewalks along the frontage, and improved bicycle routes/lanes."

Correction of this text does not affect findings of significance in the EIR and is provided for clarification purposes only.

9. The EIR trip distribution assumes that, due to travel distances, traffic from the southern end of Alameda and the northern end of Bay Farm Island would use Oakport Street to access the project. A small volume of project traffic from the High Street area east of I-880 would also use Oakport Street. Some project traffic would use the I-880 ramps at High Street. Due to local intersection conditions, it was anticipated that the majority of traffic from the High Street area east of I-880 would access the site by way of 66th Avenue.

Project studies for the Coliseum area (e.g., Coliseum Area Development Program Technical Reports dated September 1982, Coliseum Area Redevelopment Plan Administrative Draft EIR dated February 1987, Oakland-Alameda County Coliseum Expansion dated December 1989, Oakland Coliseum Arena Administrative Draft EIR dated July 1992) indicate that much of the traffic headed towards the Oakland Airport Business Park flows through the 66th Avenue and Hegenberger Road interchanges, as does traffic headed to the Coliseum Complex.

10. The comment is noted. The traffic volumes stated in the Draft EIR are for not only the Existing plus Project scenario, but also for the Existing plus Project plus Coliseum Events and the Existing plus Project plus Coliseum Events plus Cumulative scenarios. The following text replaces the first sentence of the last paragraph on page 4.4-44:

"On Oakport Street at the bridge over Damon Slough, traffic volumes under all future scenarios during the weekday PM peak would be 968 northbound trips and 883 southbound trips."

Correction of this text section does not alter findings of significance in the EIR and is provided for clarification purposes only.

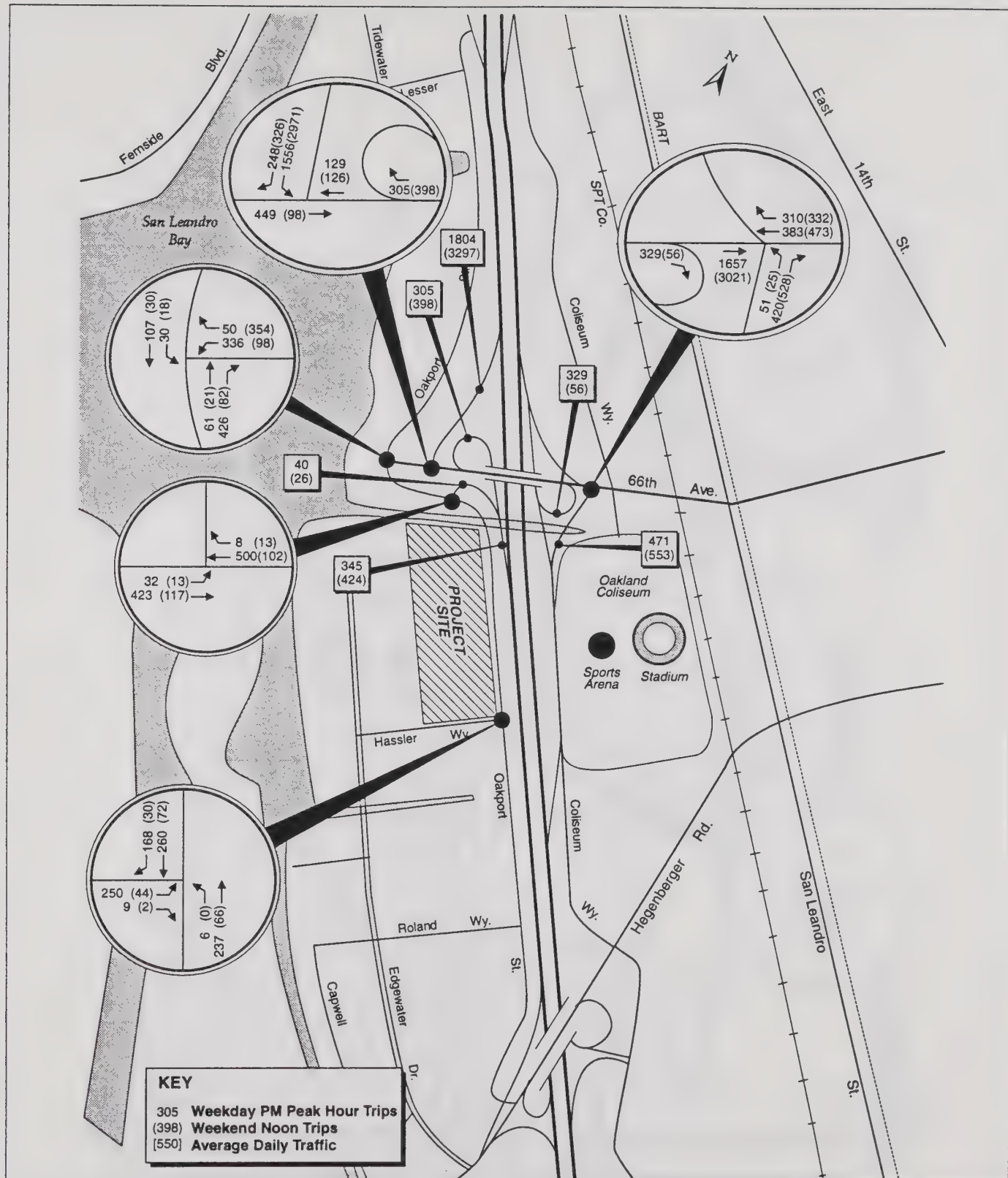


Figure 4.4.3

1993 Existing Traffic Volumes
With Events at Oakland-Alameda Coliseum

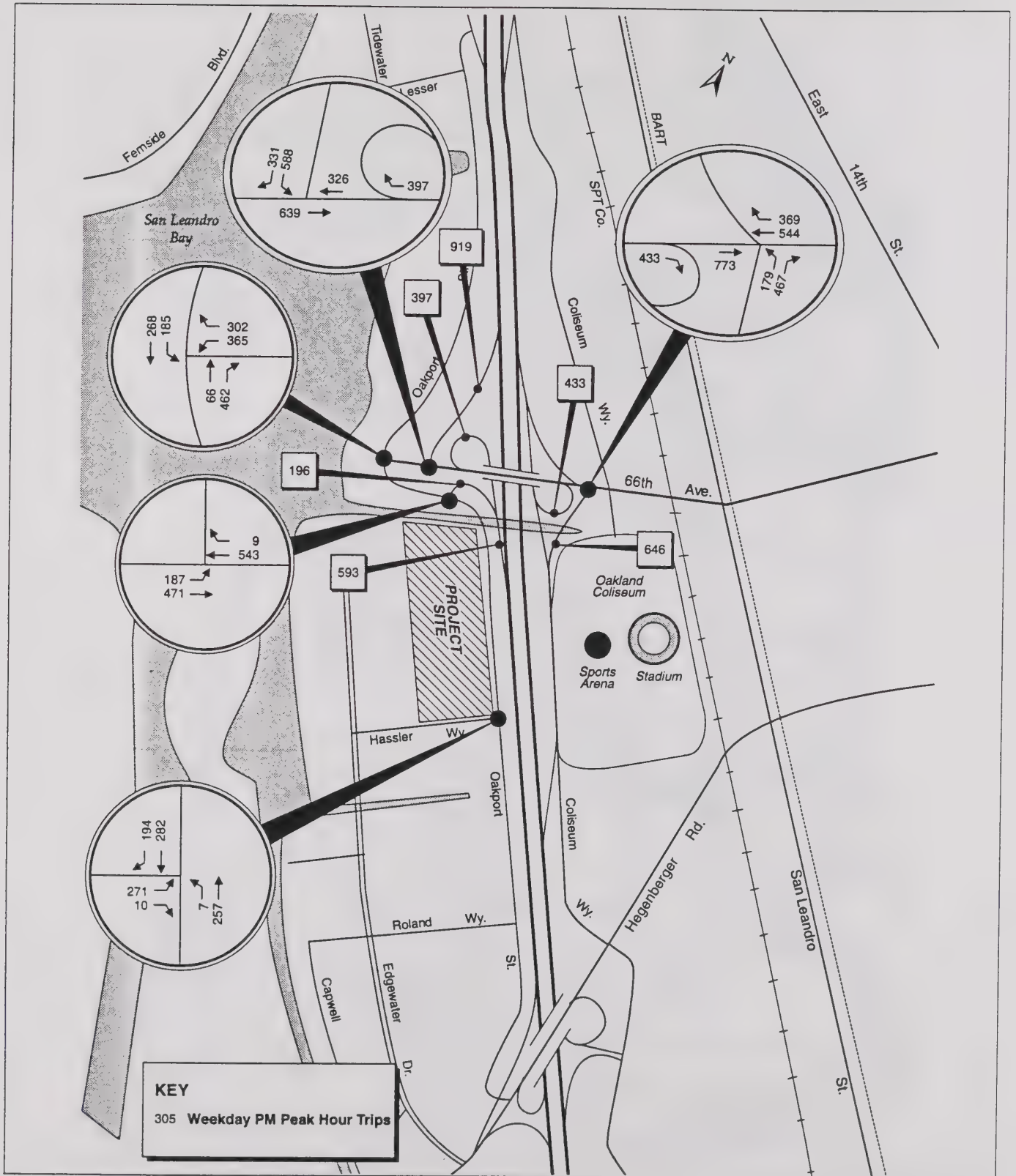


Figure 4.4.10a

2010 Cumulative Traffic Volumes (No Project)
Without Events at Oakland-Alameda Coliseum

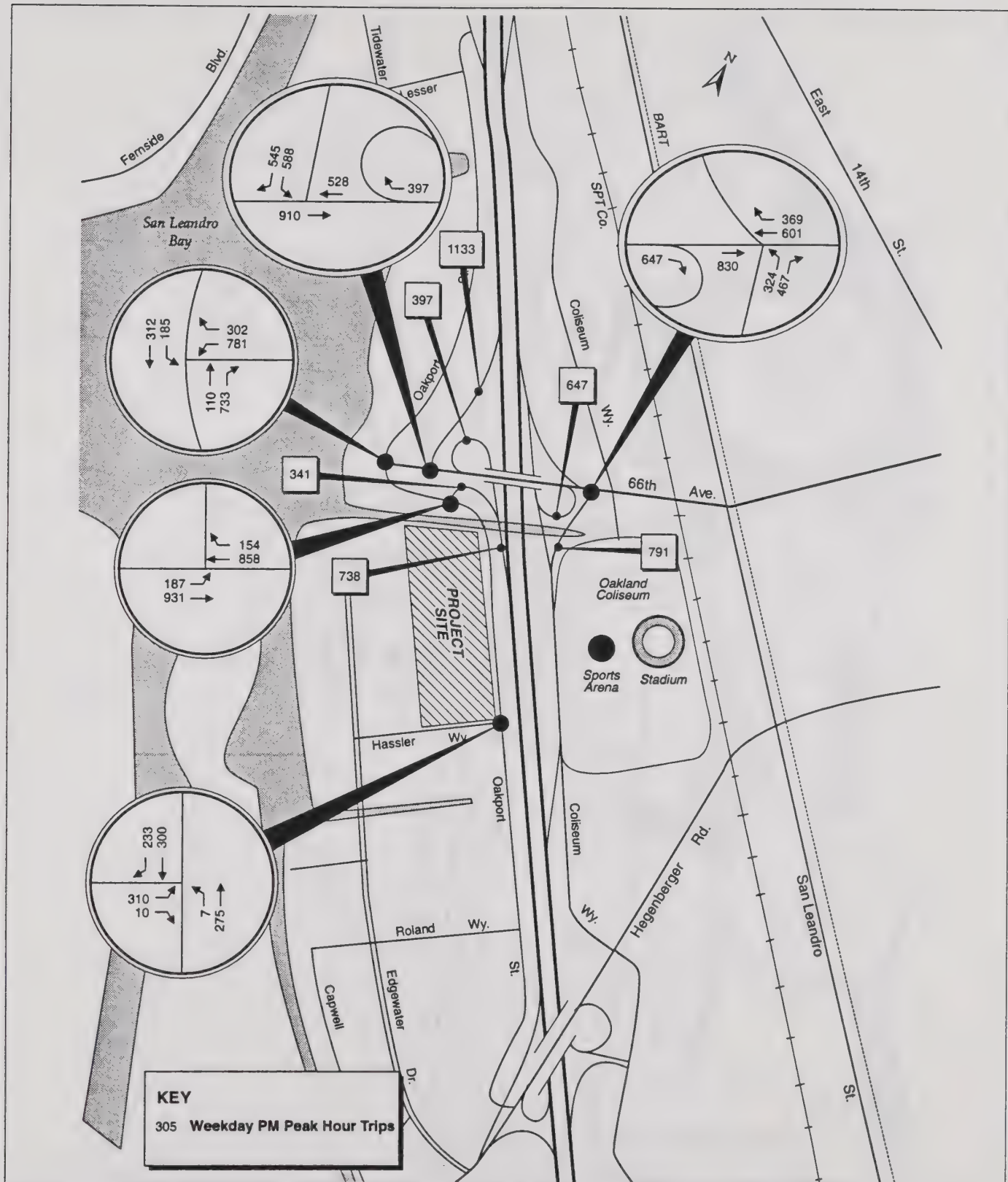


Figure 4.4.10b

2010 Cumulative and Project Traffic Volumes
Without Events at Oakland-Alameda Coliseum

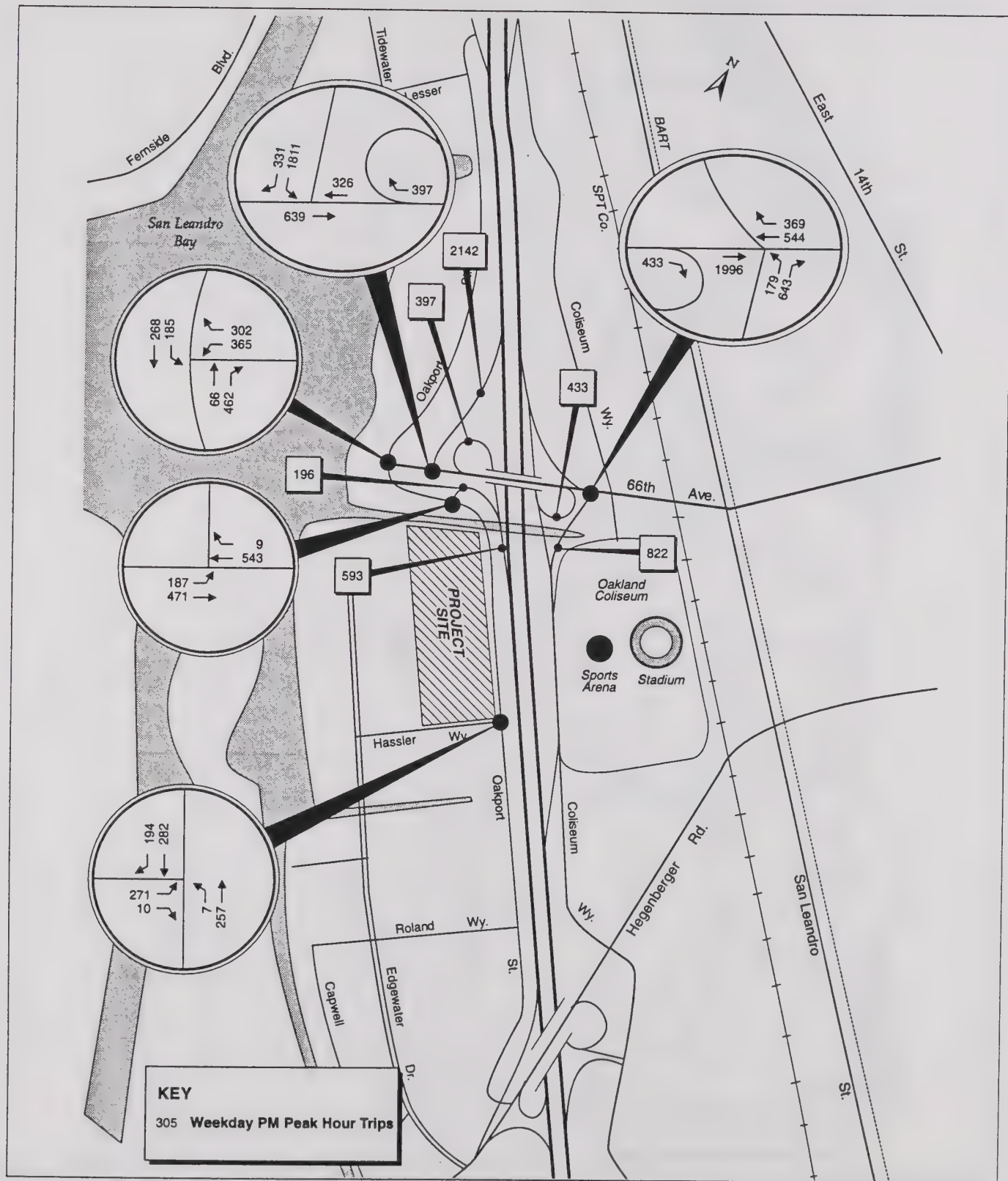


Figure 4.4.10c

2010 Cumulative Traffic Volumes (No Project)
With Cumulative Events at Oakland-Alameda Coliseum

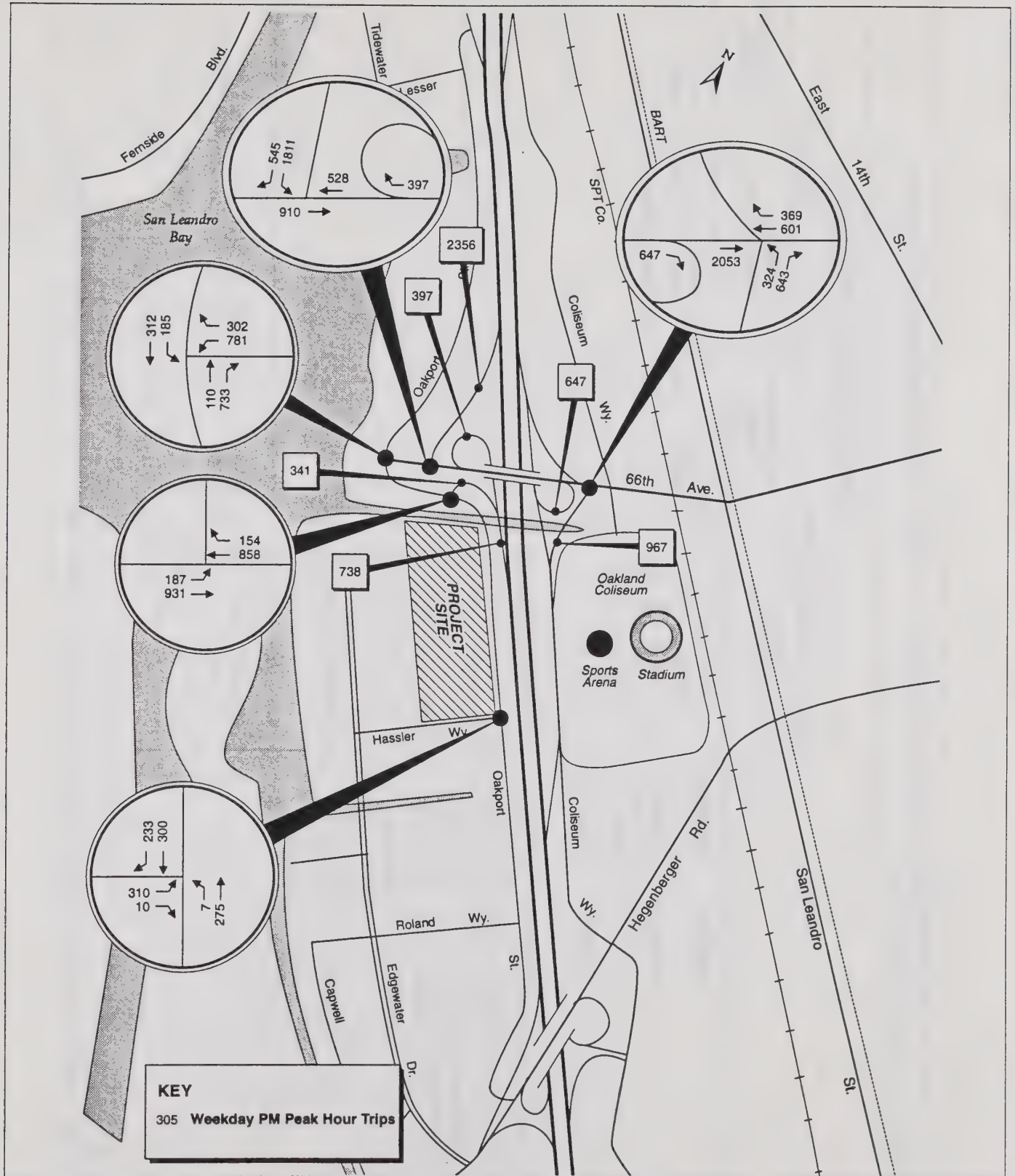


Figure 4.4.10d

2010 Cumulative and Project Traffic Volumes
With Cumulative Events at Oakland-Alameda Coliseum

TABLE 4.4.7a SUMMARY TABLE OF INTERSECTION LEVELS OF SERVICE (Unsignalized Operations Method) (Continued)
Sidestreet Stop Controlled Intersections Methodology:

			CUMULATIVE 2010 CONDITIONS							
			No Project				With Project			
			Without Coliseum Events		With Cumulative Coliseum Events		Without Coliseum Events		With Cumulative Coliseum Events	
<u>Intersection</u>	<u>Peak Hour</u>	<u>Movement</u>	<u>Reserve Capacity</u>	<u>LOS</u>	<u>Reserve Capacity</u>	<u>LOS</u>	<u>Reserve Capacity</u>	<u>LOS</u>	<u>Reserve Capacity</u>	<u>LOS</u>
1. Oakport St./Hassler Way	weekday p.m.	EB left EB right NB left	112 848 784	D(n) A A	112 848 784	D(n) A A	See Signalized Analysis(y)			
2. I-880 SB On-ramp/Oakport St.	weekday p.m.	EB left	542	A	542	A	248	C	248	C
5. I-880 NB ramps/66th Ave.	weekday p.m.	NB left NB right	See Signalized Analysis(y)							

(n) Caltrans' Peak Hour (No. 11) Signal Warrants are not met.

(y) Caltrans' Peak Hour (No. 11) Signal Warrants are met.

TABLE 4.4.7a SUMMARY TABLE OF INTERSECTION LEVELS OF SERVICE (Unsignalized Operations Method) (Continued)
All-way Stop Controlled Intersections:

			CUMULATIVE 2010 CONDITIONS							
			No Project				With Project			
			Without Coliseum Events		With Coliseum Events		Without Coliseum Events		With Cumulative Coliseum Events	
<u>Intersection</u>	<u>Peak Hour</u>	<u>Movement</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>
3. Oakport St./66th Ave.	weekday p.m.	WB approach NB approach SB approach Intersection	See Signalized Analysis(y)							
4. I-880 SB On-ramp/Oakport St.	weekday p.m.	WB approach NB approach SB approach Intersection								

(y) Caltrans' Peak Hour (No. 11) Signal Warrants are met.

TABLE 4.4.7a SUMMARY TABLE OF INTERSECTION LEVELS OF SERVICE (Signalized Operations Method) (Continued)

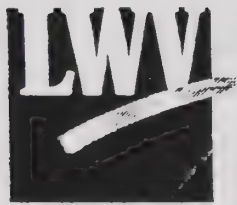
		CUMULATIVE 2010 CONDITIONS							
		No Project				With Project			
		Without Coliseum Events		With Cumulative Coliseum Events		Without Coliseum Events		With (Cumulative) Coliseum Events	
		Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
Intersection	Peak Hour								
1. Oakport St/ Hassler Way	weekday p.m.	8.3	B	8.3	B	9.2	B(a)	9.2	B(a)
2. I-880 Southbound On-Ramp/Oakport Street	weekday p.m.	4.1	A	4.1	A	5.6	B	5.6	B
3. Oakport St./ 66th Ave	weekday p.m.	9.7	B	9.7	B	27.4	D(a)	27.4	D(a)
4. I-880 Southbound Off-ramp/66th Avenue	weekday p.m.	8.1	B	14.3	B	9.6	B	13.5	B
5. I-880 Northbound ramps/66th Avenue	weekday p.m.	8.8	B	36.3	D(b)	10.6	B	39.1	D(b)

/a/ Analysis assumes mitigation required under existing scenarios will be in place by Year 2010. No further mitigations will be required.

/b/ Assumes a 90 second cycle for special event timing plan.

TABLE 4.4.8a SUMMARY TABLE OF RAMP LEVELS OF SERVICE

		CUMULATIVE 2010 CONDITIONS							
		NO PROJECT				WITH PROJECT			
		Without Coliseum Events		With Coliseum Events		Without Coliseum Events		With Cumulative Coliseum Events	
Intersection	Peak Hour	Volume	LOS	Volume	LOS	Volume	LOS	Volume	LOS
I-880 SB on-ramp (1 lane)	weekday p.m.	593	A	593	A	738	B	738	B
I-880 SB off-ramp (2 lanes)	weekday p.m.	919	A	2,142	C	1,133	A	2,356	C
I-880 EB to NB on-loop (1 lane)	weekday p.m.	433	A	433	A	647	B	647	B
I-880 NB off-ramp (2 lanes)	weekday p.m.	646	A	822	A	791	A	967	A



THE LEAGUE OF WOMEN VOTERS OF OAKLAND

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August 15, 1994

Oakland City Planning Commission
Anu Raud, Environmental Review Coordinator
Oakland City Planning Department
421 - 14th Street, 1st Floor
Oakland, Ca. 94612

Dear Ms. Raud,

The League of Women Voters of Oakland appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Coliseum Shoreline Project. Our interest in this project stems from the proposed waterfront location. Our 1992-93 study of the Oakland Waterfront area resulted in adoption of our Waterfront Position in June of 1993. Our position supports the need for better and more coordinated land use planning for development of the waterfront which would stress maximizing the economic, recreational and aesthetic potential of this area. One main element of this planning should be to restore Oakland's identity as a Waterfront City. To quote from our study, "there are three aspects to restoring Oakland's identity as a Waterfront city - by reconnecting the Waterfront to Oakland physically, economically and culturally."

1

This project does not serve any of these and in fact increases separation from a very aesthetically pleasing piece of the shoreline, the San Leandro Bay near Arrowhead Marsh. Therefore, while we can applaud many of the project sponsor's objectives detailed in the DEIR, such as developing a major regional destination retail shopping center, providing discount retail to our City's residents and businesses in a way which also serves to increase jobs and strengthen the City's tax base, we must question the use of this particular site.

As there is currently no coordinated and inclusive Master Plan governing land use for the Waterfront it is unclear how this project would fit into the overall development plans of the City or the Port. It is difficult to see how the project proposal could be found to comply with the City of Oakland General Plan, since the General Plan does not include the waterfront area in any significant way. In addition, our region's continuing air quality and traffic congestion problems necessitate reduced emphasis on automobile intensive development.

Our specific comments on the DEIR follow.

1. The DEIR does not address how project build-out will be achieved.

- a. What happens if no tenants can be found for the balance of the site?
- b. How long will the site be half-developed?
- c. Are there contingency plans for the use of the northwest site portion?
- d. Is Price-Costco's project viable without additional tenants?

2. The inclusion of the specific objective "to develop the center in a highly visible freeway location with direct access" may *artificially and narrowly constrain the project's choices*. One purpose of CEQA is to look at feasible alternatives. The DEIR describes five alternatives, but only one is off site, alternative 5. This alternative would avoid several of the significant environmental impacts of the Coliseum Shoreline site while achieving all of the project objectives except this one. The described alternative does not offer any proposals as to how this visibility and accessibility issue could successfully be addressed. This objective is also used as the basis for rejecting several other potential sites which are actually more centrally accessible to Oakland residents.

3. In Section 3.0 Project Description, on page 3-3, section 3.3, the last sentence describes use of the Southern Pacific Railroad spur tracks which are the southwest boundary of the proposed project site. It states that "the spur tracks provide access to two users, only one of which is actively receiving rail shipments", with reference to reference #2. Reference #2 at the end of Section 3.0 speaks to CNEL and other noise level issues and is unrelated to the railroad tracks.

- a. Who are the two users of the tracks?
- b. Who is the user actively receiving rail shipments?
- c. What was the reference supposed to be?
- d. What are the future short term and long term plans for use of these tracks?

4. In Section 4.1, the Land Use and Policy discussion makes no mention of the Association of Bay Area Governments (ABAG) San Francisco Bay Trail Plan authorized by California Senate Bill 100 and adopted in 1989. In discussing the BCDC Bay Plan on page 4.1-11, Impact 4.1-1, paragraph two of the discussion of the impact on the shoreline contains the sentence "The project site is not a priority use area." with a superscript reference to reference #6. There is no reference #6 at the end of this chapter.

- a. What is the correct reference #6?
- b. Reference to BCDC Bay Plan Map No. 4 describes " *the potential exists for a scenic path from the Coliseum Complex along Damon Slough to the Bay*". Inclusion of the map would be helpful in evaluating the value of the project proposed public access path along the slough.
- c. Since the proposed project path starts at Oakport Street and dead ends at the S.P. railroad tracks, its potential value as public access is limited. The DEIR should discuss other possible public access routes which would more fully mesh with proposed and existing trails.

d. Figure 4.4.6 shown as a proposed bike route with no specific alignment, is in fact an existing trail with the exception of a short gap at Damon Slough where no publicly accessible crossing exists.

e. Include discussion of the ABAG San Francisco Bay Trail Plan.

5. In Section 4.3 Visual Quality, on page 4.3-15 the section titled Surface Waters refers to "The preliminary landscape schedule" and has a reference to reference #5. Reference #5 at the end of the Section on page 4.3-24 lists the Scenic Route Element of the Alameda County General Plan, May 1966.

a. Is this the correct reference?

b. Is the "preliminary landscape schedule" something referenced in the Scenic Route Element or is this the project applicant's landscape schedule/plan?

c. What is the developer's specific planting plans/schedule for this walkway, assuming it is accepted as proposed by BCDC?

6. Section 4.3 on Visual Quality addresses itself to views of the site and from the site towards the freeway and hills. It does not describe the quite beautiful views available from the end of the site bordering Damon Slough looking toward San Leandro Bay and San Francisco. The overall finding that impacts on visual quality are "less than significant" is flawed and highly subjective. *Any loss of open space in this highly urbanized area becomes of necessity significant*. The lack of spectacular scenery in all directions does not negate the need for open space, rather it makes it more imperative that where it is found it should be retained and enhanced (for example Cesar Chavez Park, formerly North Waterfront Park in Berkeley used to be a dump).

The portion of the site which borders Damon Slough and the vacant Edgewater property adjacent to Martin Luther King Jr. Regional Shoreline Park is a natural extension of the park, and provides an opportunity for enhanced public access to the shoreline. The wonderful views of open land, the San Leandro Bay, and San Francisco beyond are worth a great deal to current and potential users of the shoreline trail.

7. Section 4.4 Traffic, Transportation, Circulation and Parking, focuses exclusively on the use of the I-880 66th Avenue ramps as the source of project related traffic. This does not address impacts on surrounding local streets and assumes that residents of the City of Alameda and of Oakland, itself, will either not patronize the stores at the site or will make their way to the vicinity of I-880, go onto the freeway at some unidentified on-ramp (perhaps, Park St., High St. or Hegenberger Rd) and travel to the 66th Avenue off-ramp to access the site. Residents of southeastern Alameda, Harbor Bay Isle, Central Oakland and the Oakland Hills who come to the site are much more likely to remain on surface streets.

Employees of the nearby business park can be expected to access the site routinely from Edgewater Drive to Hassler Way. Customers coming from East Oakland locations which are not near I-880 would most likely come down Hegenberger to Edgewater or Oakport.

From the north Oakport could be expected to see an increase in traffic. This will especially be true if the traffic on I-880 is backed up in the vicinity of the Coliseum, drivers will exit and search for alternate routes into the project site.

15

The DEIR needs to discuss impacts at the following additional intersections:

- a. Oakport and High St.
- b. Edgewater and Hegenberger Rd
- c. Edgewater and Hassler Way

and the following additional ramps:

- a. I-880 Northbound at Hegenberger Rd
- b. I-880 Southbound at High St

16

8. Page 4.4-24 of the traffic analysis states that the traffic research was conducted on trip generation figures measured at the former Hayward Price Club (not Price-Costco). Since the current Costco store in San Leandro will be closing it seems reasonable to assume that its current business will shift to the proposed Oakland Price-Costco.

- a. How does the volume of the current San Leandro store compare to that of the Hayward store used in the DEIR?
- b. If the San Leandro store volume is significantly different, please explain the justification for using the data from the Hayward store.

9. On page 4.4-46 Impact 4.4-13 describes Pedestrian and Bicycle impacts as less than significant due to plans to widen Oakport Street and provide sidewalks and a northbound bicycle lane on Oakport Street. The narrow Oakport Street bridge over Damon Slough would seriously constrain a continuous bicycle lane. The increased traffic here would be unsafe for bicyclists crossing this bridge.

17

While the proposed improvements are commendable there is a better alternative which could more safely and aesthetically improve the bicycle route. This alternative would be to route bicycles from 66th Avenue to the San Leandro Bay shoreline, turning southwest and continuing across Damon Slough to connect with the existing pedestrian/bicycle path at Martin Luther King, Jr. Regional Shoreline. From there, bicyclists/pedestrians can continue along the shoreline or access the business park from Edgewater Drive. This route, shown in the Oakland Policy Plan and the ABAG San Francisco Bay Trail Plan currently exists with the exception of a short gap crossing Damon Slough and Marsh. This route eliminates the hazards associated with proceeding along Oakport in the increased traffic.

This seems a perfect time to complete the shoreline trail around San Leandro Bay in this area. Since crossing Damon Slough will require a bridge this is an opportunity for the City and Port to work cooperatively with several developers (as the proposed project site is built out) to secure the funding to complete a bridge and path along the shoreline.

Alternatively, if Southern Pacific abandons the railroad spur tracks at the southwestern boundary of the project site perhaps the railroad bridge across the slough could be used for the bicycle path. These ideas need consideration and discussion. Since mitigations of this nature usually require association with specific projects, this is a golden opportunity to improve shoreline access in the area in an aesthetic manner.

17

- a. The DEIR needs to address the potential for completion of the ABAG Bay Trail in this area.
- b. The DEIR needs to address the potential for completing a connection to the proposed BCDC Bay Plan scenic path from the Coliseum Complex along Damon Slough to the Bay (mentioned in Section 4.1 and item #4 of this letter).

10. On pages 4.5-16 and 4.5-17 Seismic Impact 4.5-3 and its mitigation are described. The potential danger to persons at the project site in the event of an earthquake is considered *significant* and the mitigation is considered sufficient to reduce this danger to less than significant. The *discussion in the DEIR is insufficient* to support the statement on page 4.5-17 that the seismic impact with mitigation is less than significant.

18

The specified mitigation includes a provision that the project "shall conform to the policies of the Safety & Seismic Safety Element of the Oakland Comprehensive Plan". Since this element of the General Plan was last updated in 1974 and knowledge of potential earthquake damage and preventive building techniques have changed substantially in the last twenty years it is not demonstrated how this provision itself will actually provide any mitigation of the potential danger.

If successful mitigation of the potential danger is derived in whole or in part from the second provision of the mitigation which imposes implementation of "all standard conditions of approval regarding geotechnical issues", then these conditions should be described in the DEIR. In order to claim a finding that the mitigation is sufficient to reduce the impact to less than significant it is necessary to provide specific detail as to how this is accomplished.

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- a. What policies in the Oakland Seismic Safety Element, specifically apply, and are they current enough to be accepted practice in light of 1994 seismic knowledge?
- b. What are the standard conditions of approval regarding geotechnical issues?
- c. The site-specific geotechnical study and its recommendations for remedial measures should be included if they are intended to provide a mitigation to less than significant.

21

11. Section 4.6 on Hazardous Materials discusses the need for a remediation plan by the Port of Oakland to remove lead contaminated soil and claims that implementation of this remediation plan will reduce the impact to less than significant. Without details of how this soil removal will be accomplished it is difficult for the public or decision makers to determine if this claim is accurate. The *discussion in the DEIR is insufficient* to support the conclusion that the impact with mitigation is less than significant.

22 Since airborne dust containing lead is a primary transmission method of this highly toxic material the DEIR should include the remediation plan and details of how this soil will be removed safely. Reference to other agencies with jurisdiction helps identify the regulatory process but these additional agency processes do not necessarily contain adequate opportunity for meaningful public review and input.

23 a. Include the remediation plan.

b. Clarify whether the plan has been prepared or not.

24 Page 4.6-6 states the remediation plan has been prepared.

Page 4.6-15 states "... plan shall be developed".

c. What specific opportunity will there be for public review and comment on the remediation plan once it is available?

25 d. By what agency and by what mechanism will the public be notified of the opportunity to review the remediation plan?

e. How will this agency (identified in response to d.) determine who shall be notified?

26 f. Page 4.6-6 of the DEIR states that the San Francisco Bay Regional Water Quality Control Board, California Department of Toxic Substances Control, and Alameda County have not been involved in the investigations nor have the reports referenced by the DEIR been submitted to these agencies. Please explain.

12. On page 4.8-7, Mitigation Measure 4.8-2 describes the need for an adequate Storm Water Pollution Prevention Plan (SWPPP) to be approved by the Regional Water Quality Control Board.

27 a. What specific opportunity will there be for public review and comment on this plan?

b. By what agency and by what mechanism will the public be notified of the opportunity to review the remediation plan?

c. How will this agency determine who to notify?

13. In Section 6.2, Cumulative Impacts, on page 6-2 a list of projects is found along with the statement, "cumulative impacts are identified in Sections 4.1 through 4.11 of this report and are summarized below". In examining sections 4.1 through 4.11 no references to any of these other projects could be found with the exception of the Oakland Coliseum Arena Expansion Project in the transportation, traffic section. *The discussion of cumulative impacts in the DEIR is inadequate.*

28 a. How were cumulative impacts determined?

b. Where are the discussion of these other projects?

c.) Cumulative impacts resulting from the presence of and proposed removal of hazardous materials from sites in the vicinity should be discussed. For example the use of Galbraith Golf Course for the deposition of dredge spoils and the potential

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clean up of the numerous toxic sites (130) noted in the Coliseum Land Use Suitability Study, March 1993.

29

14. The project will cause additional traffic and congestion on I-880 through Oakland in the vicinity of the project and the Coliseum. The DEIR should discuss these impacts with the Alameda County Congestion Management Agency and describe compliance with such plans that agency may have in place or in progress.

Thank you again for the opportunity to comment on this Draft EIR.

Sincerely,



Katherine Gueldner
President, League of Women Voters of Oakland

cc: Joseph LaClair, BCDC
T.H. Lindenmeyer, Martin Vitz, EBRPD
Coastal Conservancy
James McGrath, John Glover, Port of Oakland

G. Responses to Comments from Katherine Gueldner, League of Women Voters

1. The comment is noted. The project does serve to reconnect "the Waterfront to Oakland" by providing improved public access to the shoreline and San Leandro Bay. As indicated on page 3-5 of the Draft EIR, the project includes dedication of a portion of the project site along Damon Slough as public open space, including a public access easement. The project would provide a paved trail and landscaping along Damon Slough and would complement existing shoreline parklands in the vicinity. The project would not only preserve visual access to the shoreline, but would also enhance the quality of the shoreline experience within the 100 foot BCDC jurisdictional area.

Regarding coordinated planning for the project area, the *Oakland Comprehensive Plan* addresses all lands within City jurisdiction, including the shoreline area. The *Comprehensive Plan* indicates that appropriate land uses for the shoreline include recreation and open space as well as waterfront shipping, and commercial and industrial activities. The area adjacent to the project site, although within the City's jurisdiction, is designated as "Port Area" in the Oakland Charter and is regulated by the Port of Oakland's Airport Business Park Standards and Restrictions.^a The Port also has policies in its Public Access Plan that support visual access to the shoreline and a regional shoreline bicycle path.^b In addition, The San Francisco Bay Conservation and Development Commission ("BCDC") asserts jurisdiction of lands within 100 feet of the Bay. BCDC's planning for areas within its jurisdiction is contained in its *San Francisco Bay Plan* and is discussed in the Draft EIR on page 4.1-9.

Please refer to Draft EIR sections 4.4 and 4.7 for mitigation measures that reduce impacts related to air quality and traffic to less than significant levels.

2. While the comment addresses project build-out concerns, it does not address the content or adequacy of the EIR. Draft EIR page 3-5 describes the proposed development of the site. As discussed in the EIR, the project anticipates full development of the site with approximately 250,000 gross square feet ("gsf") of retail development, including 135,000 gsf in the 13.5 acre southerly portion of the site where Price-Costco will be located and 115,000 gsf in the 9.1 acre northerly portion of the site. There are no contingency plans for the northerly portion of the site and the project sponsors do not anticipate any need for such plans. Price-Costco is confident that its own store can stand alone and is viable with or without full leasing of the remainder of the project.
3. It is common site selection practice for promotional tenants in the retail commercial industry to use the following five factors in determining appropriate locations for their stores: high visibility, high traffic loads, accessibility, strong co-tenants, and proximity or adjacency to a

^aPort Ordinance No. 2832, *Standards And Restrictions Regulating the Use of Land and the Design and Construction of Structures and Other Improvements in the Oakland Airport Business Park*, September 6, 1988.

^bPort of Oakland, Public Access Plan, August 1979, page 21.

regional mall.ⁱ

Although locating the project at the Ratto/Hamerskjold School site (Alternative 5) as suggested by the commenter, would avoid the significant impacts associated with the project, it would not generate the magnitude of benefits that would result from the proposed project. The importance of a freeway location, particularly one directly across from the Coliseum Complex, cannot be overemphasized because such a location creates mass-scale "instant" recognition and advertising benefits in a manner not approached by non-freeway locations. A highly conspicuous freeway site with immediate access is an integral criteria for successful development of a project that could serve as a catalyst for economic development of the Coliseum area.

The City's six short-range objectives for economic development in the Coliseum area are listed on page 3-1 of the Draft EIR. These include developing a successful regional destination retail shopping center, locating the facility in a highly visible and accessible freeway location, providing discount retail service to Oakland, providing jobs, expanding the City's retail base, and strengthening the City's tax base. The six objectives are interrelated and all of the objectives are consistent with Oakland's efforts to reverse the economic trends affecting the City. Each objective is intended to work in concert with the others so that the benefits reaped from achieving all of the objectives would be much greater than adding the benefits reaped from achieving each individual objective.

4. The comment points out an error in the Draft EIR for reference two in the Project Description Section. The comment is noted. The correct note for this reference is:

"2. Rob Lewis, Operating Department, Southern Pacific Railroad, Telephone Communication, May 11, 1994."

Correction of this text section does not alter findings of significance in the EIR and is provided for clarification purposes only.

The identity of the users and current level of use by these users of the referenced spur line is not relevant to the EIR impact analysis since, as stated on Draft EIR page 4.9-3, the infrequent use of the railroad track would not influence the CNEL noise level at the site. With respect to noise, the only aspect of the spur line use that is relevant to the impact analysis relates to noise compatibility of the proposed project with railroad operations. Southern Pacific Railroad operates this facility on a "demand" basis; since it is a dead-end line, railroad operations are limited to users located along this spur line and the level of activity will vary with demand by these users. The limited potential for noise impact resulting from the low level of use of this spur line is acknowledged on page 4.9-3 of the Draft EIR.

ⁱBlair, Laura, Sedway & Associates, personal communication, October 5, 1994; based on information in the 1991 Urban Land Institute information packet on power centers, Shopping Center World, Management Review, and consultation with representatives of power centers and shopping centers.

5. The comment is noted. Please see the discussion concerning the San Francisco *Bay Trail Plan* under the response to comment G10 below.

6. The comment points out an error in the Draft EIR for reference six in the Land Use and Policy Section. The comment is noted. The correct note for this reference is:

"6. LaClair, Joseph, Bay Design Analyst, BCDC, letter to City of Oakland, May 5, 1994."

Correction of this text section does not alter findings of significance in the EIR and is provided for clarification purposes only.

7. The comment is noted. Text discussion on page 4.1-11 describes public access measures proposed as part of the project in relation to the BCDC *Bay Plan*. BCDC Plan Map #4 is included in this response to the comment for informational purposes only. (See following page.)
8. The comment is noted. The proposed project would preserve and enhance public access to Damon Slough within the 100 foot BCDC jurisdiction zone on the project site as described on page 3-5 of the Draft EIR. Access along Damon Slough outside the project site is not part of this project and accordingly, is not within the scope of the EIR; however, since there is a 25 foot wide public access easement access along Damon Slough, the easement is the most viable future public access route.
9. The comment is noted. The comment correctly points out an error in Figure 4.4.6 of the Draft EIR. A revised figure is provided following these responses to comments from the League of Women Voters. The error in the figure included in the Draft EIR does not affect the adequacy or findings of the Draft EIR. The corrected figure is included in this Final EIR Addendum for informational purposes only.
10. The comment points out an omission in the Draft EIR. The comment is noted. The following text is inserted in the second paragraph on page 4.1-7 after the reference to the "Bay Conservation and Development Commission ("BCDC") *Bay Plan*":

"...San Francisco *Bay Trail Plan*;"

The following text is inserted after the first paragraph on page 4.1-10:

"Under the provisions of Senate Bill 100, the San Francisco Bay Trail Plan was developed in 1989 by the Association of Bay Area Governments (ABAG) in conjunction with public, private and community agencies to (1) provide connections to existing park and recreation facilities; (2) create links to existing and proposed transportation facilities; and (3) be developed in such a way as to



avoid adverse effects on environmentally sensitive areas. One of its main goals is to "ensure a feasible, continuous trail around the Bay" while "minimizing impacts on and conflicts with sensitive environments."

The proposed project would concur with Bay Trail Policies. Inclusion of the above text does not affect findings of significance in the EIR and is provided for informational purposes only.

11. The comment notes a footnote error in Draft EIR Section 4.3, "Visual Quality." The comment is noted. The correct reference for footnote 5 is the preliminary landscape schedule, which is cited later in the section as footnote 7. Correction of this reference does not alter findings of significance in the EIR.
12. The preliminary landscape schedule was prepared by the project sponsors and is provided for public review in Appendix C, Figure C.1 of the Draft EIR.
13. The project sponsors would submit detailed planting plans/schedule in subsequent states of the City's development approval process, after the basic design parameters of the project have been clearly established by the Planning Commission. The EIR on the preliminary development plan is not intended to be the source of detailed landscaping data.
14. Page 4.3-11 of the Draft EIR describes short-, medium-, and long-range views from the northwestern border of the site along Damon Slough oriented towards San Leandro Bay and San Francisco. The EIR contains a systematic analysis of project impacts on views of and from the site based on the criteria included in the California Environmental Quality Act ("CEQA") *Guidelines* (see pages 4.3-19 and 4.3-20 of the Draft EIR). As stated on page 4.3-20 of the Draft EIR, while views from some interior locations on the project site may be obstructed, views from the portion of the site bordering Damon Slough looking towards San Leandro Bay and San Francisco will not be blocked by the proposed project. The improved pedestrian access along the banks of Damon Slough proposed as part of the project would enhance and preserve public access to these views. These views are provided in the Draft EIR. In addition, a representative view from the Damon Slough end of the project site towards San Leandro Bay and the slough itself are shown on the following page. Inclusion of these views does not affect findings of significance in the EIR and is provided for informational purposes only.

The Draft EIR states that the proposed project would result in visual quality impacts that include:

- ▶ partial obstruction of scenic views (see Impact 4.3-1, page 4.3-20);
- ▶ potential impairment of the visual quality of the existing site and its vicinity (see Impact 4.3-3, page 4.3-21 to page 4.3-22); and



Coliseum Shoreline

**Northwesterly View of San Leandro Bay
from Project Site at Mouth of Damon Slough**

- ▶ an incremental contribution to the cumulative loss of visual open space in the San Leandro Bay Shoreline area (see Impact 4.3-4, page 4.3-23).

The EIR analysis concludes that the project's visual quality impacts would be less-than-significant in each instance. The Draft EIR notes that potential view obstruction resulting from the proposed project would be partial and that existing views from the project site of landscape features having positive aesthetic value, including the East Bay Hills and the waters of San Leandro Bay, are fragmented and degraded by urban development and infrastructure in the project site area. In addition, the Draft EIR notes that the proposed project would have beneficial visual quality effects including enhancement of public access to the portion of the site adjacent to Damon Slough that affords the most valuable views of the slough and San Leandro Bay, as well as site landscaping.

15. Regarding project trip distribution, the principal attraction on the project site is expected to be Price-Costco. Price-Costco is a restricted membership store catering to bulk purchases. Customers would be more evenly distributed over a larger, regional market area than would be the case for a supermarket which would draw customers from the more immediate local area. In the case of the Hegenberger interchange, it was concluded that since the project would be much closer to the interchange at 66th Avenue and that access from that interchange is less circuitous, only a negligible volume of traffic from I-880 would use the Hegenberger interchange. Hegenberger Road is also normally handles more traffic than 66th Avenue. Costco customers would be regular customers who would be expected to find that 66th Avenue provides the most efficient access from I-880.

As shown on Figure 4.4.7 of the Draft EIR, 3.5 percent of project traffic was assumed to access the site via Hegenberger Road. Proportionally more project traffic would use local streets to access the site via 66th Avenue.

Regarding project impact at additional study intersections, the City conducted a traffic evaluation on an expanded study area as requested in these comments on the Draft EIR and concluded that there were no significant project impacts. The Edgewater Drive/Hassler Way and the I-880 northbound ramp/Hegenberger Road intersections were not evaluated because such evaluation would not result in information not obtainable through evaluation of the study intersections.

16. Trip generation data from the San Leandro store was not available at the time of publication of the Draft EIR, and therefore, the Hayward store was considered to be the closest comparable facility with known data. Since publication of the Draft EIR, Price-Costco has provided trip generation survey results for the San Leandro store. These survey results are significantly lower than the project trips in the EIR for the Oakland site. The San Leandro store generates about 3.45 trips per thousand square feet during the weekday PM peak hour compared to 5.29 trips per thousand square feet for the Hayward store. Therefore, use of the trip generation rate for the Hayward store has resulted in a conservative EIR analysis. Price-Costco anticipates increased patronage at the Oakland site that would be more akin to the Hayward store because the new site would more adequately serve Oakland, would be more equidistant from competing Price-Costco stores, would provide immediate visibility from the

I-880 freeway, and would be nearly 30,000 square feet larger than the existing San Leandro store.

17. While the comment addresses a valid policy concern about bicycle and pedestrian access, it does not address the content or adequacy of the EIR. The City acknowledges that use of the existing bridge as a bicycle facility would be augmented when the Bay Trail segment across Damon Slough is in place. The Bay Trail segment across Damon Slough is part of the system of existing and proposed bikeways included in the *Oakland Policy Plan*; and accordingly, the City will participate in efforts to install the remaining proposed segments of the Bay Trail. The City is committed to comprehensive planning for public access to the waterfront and shoreline areas. The proposed project would improve bicycle and pedestrian access along Damon Slough by providing a paved trail and landscaping. Access along Damon Slough outside the project site is not part of this project; however, and accordingly, is not within the scope of the EIR. The City notes that a connection to the Regional Shoreline would require a crossing of the Southern Pacific Railroad spur track and access across the 7.8-acre parcel west of the railroad track owned by the Port of Oakland. Also, the actual crossing of Damon Slough would occur off the project site and is not part of the proposed project.

18. The comment refers to Impact 4.5-3 and its mitigation; however, the complete mitigation measure on page 4.5-17 is as follows:

"To address potential seismic hazards including groundshaking, the project shall conform to the policies of the Safety & Seismic Safety Element of the Oakland Comprehensive Plan, and shall implement all standard conditions of approval regarding geotechnical issues."

In this mitigation measure, the safety and seismic safety policies of the *Comprehensive Plan* sets forth general guidelines for the project such as the inclusion of the most current seismic design; however, the implementation of applicable policies would occur through application of standard conditions of approval as well as specific recommendations as determined by a site-specific geotechnical investigation. Please see the response to comment G19 below.

19. The comment is noted. Inclusion below of the City of Oakland's standard conditions of approval regarding geotechnical issues does not alter any findings of significance in the EIR. As warranted, the City generally applies one or more of the following conditions to development projects at the time of approval:
- ▶ That the project geotechnical engineer shall submit a letter certifying that the measures have been incorporated in the project to the Building Services Division prior to the issuance of a grading permit.
 - ▶ That all project earthwork shall be performed under the supervision of a geotechnical engineer retained by and paid for by the applicant, and acceptable to the City; the project shall incorporate all geotechnical measures recommended in the project geologic and soils reports; if unexpected conditions are encountered, additional engineering and construction recommendations shall be proposed by the project geotechnical engineer,

subject to approval by the City prior to completion of the grading phase.

- ▶ That the project engineer shall file status reports to be followed by a final completion report, along with a geologic mapping of all cut-and-fill pads and slopes within the graded area, as a conditions of the project grading permit. Locations of subdrains and clean-outs shall be shown on the approved grading map. The applicant shall ensure periodic monitoring of project grading activities by a geotechnical engineer.
- ▶ That all slopes, drainage terraces, and subdrains shall be maintained by the applicant according to a maintenance plan and schedule prepared by a registered civil engineer and submitted to and approved by the Building Services Division.
- ▶ That engineering data shall be included with the project improvement plans verifying the design of project site storm drainage facilities to adequately handle storm drainage runoff with reasonable assurances against significant property damage to downstream urban areas. The drainage plan shall be submitted to and approved by Engineering Services prior to the issuance of any private job permit.
- ▶ That all graded areas, including building sites and graded areas not designated for immediate construction, shall be replanted with groundcover as soon as possible after completion of grading. Runoff from roof gutters and other graded surfaces shall be intercepted within closed conduits and conveyed to adequate storm drainage facilities; said facilities shall be designed to prevent erosion at the outfall point and to minimize the risk of downstream erosion problems, directed surface runoff onto cut or fill slopes shall be avoided.
- ▶ That the applicant shall prepare a construction period erosion control plan; and plan to be submitted to and approved by the Building Services Division; the plan shall include such measures as construction scheduling plus mechanical and vegetative measures to reduce erosion and sedimentation, and appropriate seasonal maintenance. The plan shall be in effect for a period of time sufficient to stabilize the construction site for all phases of the project. The following provisions shall be included in the erosion control plan:
 - (i) construction operations, especially grading operations, shall be confined as much as possible to the dry season in order to avoid erosion of disturbed soils;
 - (ii) all graded areas, including road subgrades and building pads which are rough graded, but not constructed until subsequent project phases, shall be revegetated. This revegetation shall be removed as necessary in later phases when finish grading, paving, and building construction occurs;
 - (iii) project landscaping plans shall incorporate use of fast-growing groundcovers to stabilize soil soon after construction.
- ▶ That all exposed graded portions of the site shall be sprinkled with water twice daily. Major dust-generating activities shall be scheduled for the early morning and other hours when wind velocities are low; all storage piles shall be covered.

20. The purpose of the EIR is to provide information on the setting of the site and to assess the environmental effects of the project. The EIR on the preliminary development plan is not intended to be the source of specification level geotechnical data. Technical specifications for project design and construction, as determined by a site-specific geotechnical investigation, are routinely completed as part of subsequent stages of the City's development review process after the basic design parameters have been established through City review of the EIR and the associated use permit application.
21. The remediation plan prepared for the Port of Oakland is presented under "Further Actions" in the January 1991 *Report on Phase II Investigation, Oakport Parcel, Oakland, California* prepared by Baseline Environmental Consulting (the "Report"). The plan describes two alternatives for remediation including excavation of soil containing hazardous levels of lead and leaving the soil in place. The Port has elected to excavate the soil. A copy of the Report is on file with the City. The comment is noted. Inclusion of the information above does not alter any findings of significance in the EIR.
22. The comment is noted. The following information is included for clarification purposes and does not alter the findings of significance in the EIR. Prior to the commencement of any project-related construction activity by the project sponsors, the Port will complete soil remediation. As part of the remediation, the Port and its contractors would address worker and public health risks due to airborne lead. Air monitoring would be conducted to monitor releases of lead-laden dust. The monitoring would determine the need for dust control measures.
23. The remediation plan is described in the response to comment G21 above.
24. The remediation plan has been prepared, and it is presented under the "Further Actions" section of the Report on file. The remediation plan was sent to the Alameda County Health Department (the "County") several months ago, and the county has not requested or directed any changes to it as of this date.
25. The remediation plan is available and on file with the City for public review and comment now. As stated above, the remediation plan was submitted to the County months ago, and the County has neither requested nor ordered any modifications to it.

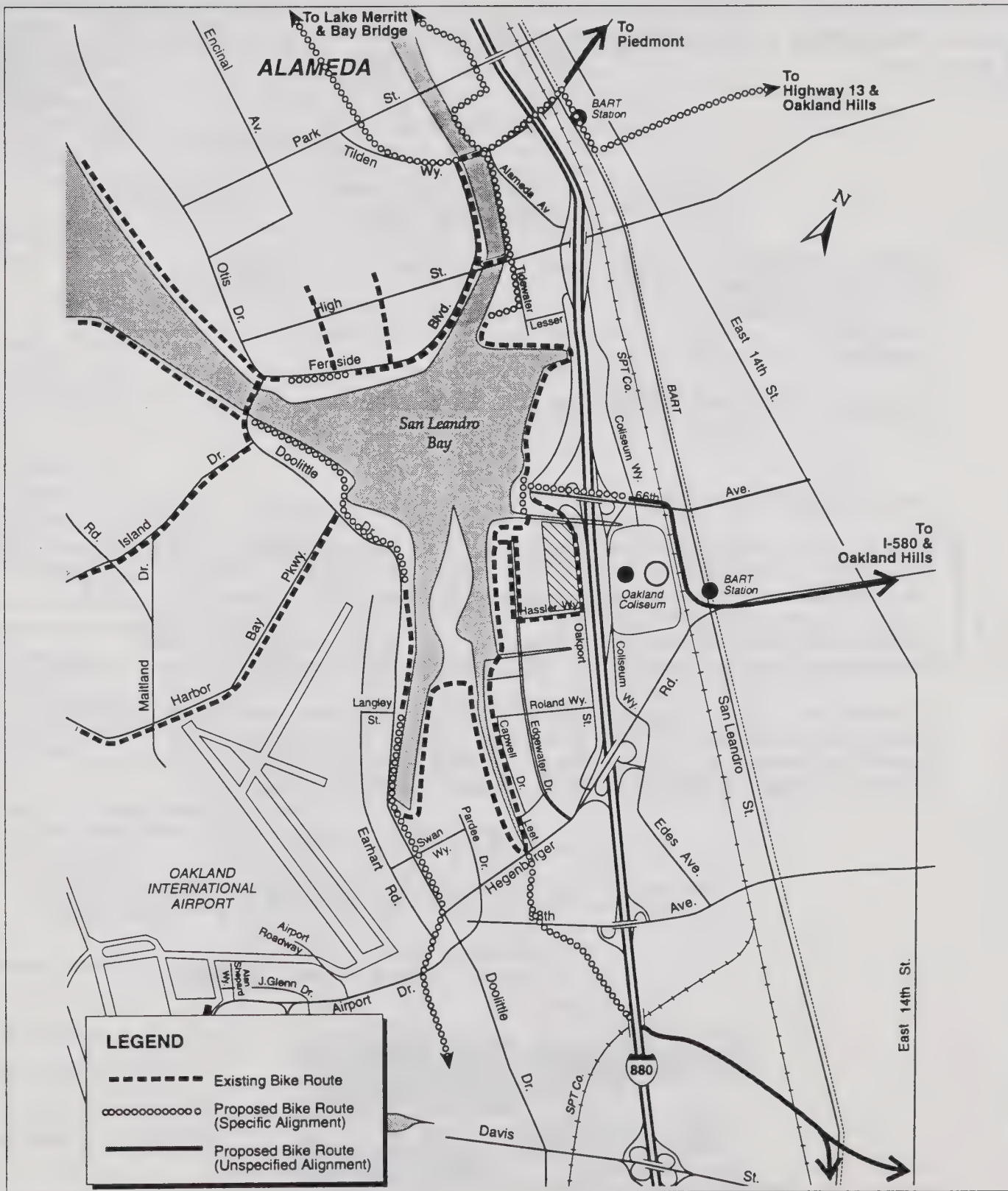
Normally, there is no mandatory requirement that the public be notified whenever remediation work is being carried out on either private or public property. The Port will be carrying out the remediation work, and the Port will perform the remediation work in accordance with all applicable laws, regulations, and industry standards. As indicated, the remediation plan is available for public review and comment now. The Environmental Protection Agency and the County have each been notified of the condition of the property, and if either of those agencies require that other regulatory agencies or members of the public be given further notice, such further notice will be given.

26. As indicated above, both the EPA and the County have been notified of the condition of the property. The Port hired Baseline Consultants, a reputable environmental consulting firm, to conduct extensive investigation of the condition of the property, and the Port has provided the results of those investigations to the EPA. The EPA hired Bechtel to evaluate the investigations, and Bechtel recommended to the EPA that no further action be required. The County has neither requested nor ordered any further investigation or modifications to the Port's materials. Should either the EPA or the County require that other regulatory agencies be notified, such notice will be given.
27. The Storm Water Pollution Prevention Plan ("SWPPP") will be submitted to the San Francisco Regional Water Quality Control Board and will be available for public review in accordance with that agency's regulations, policies, and procedures. The SWPPP is an operational plan describing definitive measures to be used to control potential stormwater pollution. The plan is submitted with a notice of intent to start a construction project and an appropriate fee to the California State Water Resources Control Board. The plan is posted on-site for day-to-day use during project construction and required inspection purposes. The plan is subject to constant revision on-site, depending upon the changing conditions occurring as project construction proceeds. There is no formal process for public review of the plan. Individuals and/or groups wishing to review a specific project's SWPPP would need to request the Regional Water Quality Control Board to obtain the project's most current SWPPP from the project owner. The Board would most likely require interested parties to provide reasons for requesting a review of the SWPPP. The preceding information is included for clarification purposes and does not alter the findings of significance in the EIR.
28. The Draft EIR took into account known cumulative developments, including those projects listed on page 6-2 of the Draft EIR, with two exceptions: (1) the Fruitvale BART Project already is included as a project within the Coliseum Area Redevelopment Plan; and (2) the BART-Oakland Airport Intermodal Connector Project is not included because useable traffic generation data for the project is not yet available. Other cumulative developments that were included were the development of the American Can Facility site and development at the Del Monte Cannery site. The information provided above does not alter findings of significance in the EIR and is provided for clarification purposes only.

The cumulative impacts of surface and ground water quality are addressed on page 4.8-6 of the Draft EIR. An evaluation of these cumulative impacts assumed the implementation of all projects identified in the EIR. The discussion of project-specific impacts for each of the listed projects are or will be presented in the environmental review documents for those particular projects.

In relation to hazardous materials, the remediation of the site will be a beneficial impact to public health and the environment through remediation of hazardous material currently present at the site. Removal of soil containing lead from the site will prevent future site occupants and construction workers from encountering hazardous substances. The removal will also eliminate a potential source of lead to the groundwater. These are beneficial impacts, regardless of other hazardous material remediations in the area.

29. The Alameda County Congestion Management Agency has been consulted by City staff in regard to this project. The comment is noted.



Coliseum Shoreline / 930397 ■

Figure 4.4.6
Oakland Existing and Planned Bikeways

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO, CA 95814



August 15, 1994

STANLEY MURAOKA
CITY OF OAKLAND
421 14TH STREET
ROOM 100
OAKLAND, CA 94612

Subject: COLISEUM SHORELINE SCH #: 94043015

Dear STANLEY MURAOKA:

1 | The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely

A handwritten signature in black ink, appearing to read 'Michael Chiriatti, Jr.', with a stylized flourish at the end.

Michael Chiriatti, Jr.
Chief, State Clearinghouse

See NOTE below

SCH # 94043015

County Alameda

Schools: NUMEROUS

S* = sent by lead / ** = sent by SCH

H. Response to Comment from Michael Chiriatti, Jr., Governor's Office of Planning and Research

1. The comment is noted. Please note that three letters of comment on the Draft EIR for the Coliseum Shoreline Project were received from other state agencies. Letters from the following state agencies were sent directly to the City of Oakland within the comment period: San Francisco Bay Conservation and Development Commission (dated August 9, 1994), Department of Transportation (dated August 16, 1994), and California State Coastal Conservancy (dated August 19, 1994). Comments on the Draft EIR contained in these letters have been responded to elsewhere in this Final EIR Addendum.

DEPARTMENT OF TRANSPORTATION

BOX 23660

OAKLAND, CA 94623-0660

(510) 286-4444

TDD (510) 286-4454



August 16, 1994

ALA-880-26.61
SCH#94043015
ALA880359

Mr. Stanley Muraoka
City of Oakland
Office of Planning and Building
421 14th Street, Room 100
Oakland, CA 94612

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR - Coliseum
Shoreline Project

Dear Mr. Muraoka:

Thank you for including the California State Department of Transportation in the review process for this proposal. We have reviewed the document referred to above and have the following comments:

- 1 | There must be a complete analysis of the 66th Avenue Interchange. We believe that the project impacts to the northbound I-880 ramp at 66th Avenue will adversely affect through traffic and potentially compromise the safety of all motorists. We have similar concerns that apply to the southbound off-ramp to 66th Avenue, where you have indicated that the negative impacts are not sufficiently mitigable. It is also clear that the Hegenberger Road Interchange may serve as an additional route to the project site, however, even with the proposed improvements, the Hegenberger Road Interchange will be operating near capacity.
- 2 |
- 3 | In this EIR, there is mention of a Traffic Management Plan. There is no officially sanctioned Caltrans Traffic Management Plan related to ramp closures for Coliseum events. We have historically objected to request for the closure of these facilities from both the California Highway Patrol and the City of Oakland Police Department.
- 4 | On page 4.4-39, Mitigation Measure 4.4-7. We are concerned with the mitigation statement, which reads "This ramp is already two lanes wide and no additional mitigation is feasible." The final EIR should include an analysis of widening the

4 | southbound I-880 off-ramp to increase ramp storage capacity after the ramp nose, so that vehicles in the queue do not back-up into the freeway.

5 | The operation report should also examine the weaving condition between the High Street on-ramp and the I-880 off-ramp to 66th Street and between the 66th southbound on-ramp and the I-880 off-ramp to Hegenberger Road. An auxiliary lane may be possible between the on-ramp and the off-ramp to facilitate weaving and provide additional capacity.

We look forward to reviewing the Final EIR. We expect to receive a copy from the State Clearinghouse. However, to expedite the review process please send a copy in advance to the following address:

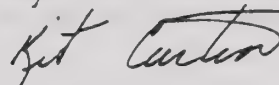
Kit Curtiss
Transportation Planning Branch
Caltrans District 4
P.O. Box 23660-0660
Oakland, CA. 94623

Should you have any questions regarding these comments, please contact Noreen Rodriguez of my staff at (510) 286-6312.

Sincerely,

JOE BROWNE
District Director

By:



KIT CURTISS
Senior Transportation Planner

cc: Mike Chiriatti, State Clearinghouse
Craig Goldblatt, MTC
Patricia Perry, ABAG
Dennis Fay, Alameda CMA

I. Responses to Comments from Kit Curtiss, California Department of Transportation

1. The Draft EIR presents level-of-service analysis of freeway ramp intersections at 66th Avenue in Tables 4.4.2 (pages 4.4-11 and 4.4-12) and 4.4.7 (pages 4.4-31 to 4.3-33), and analysis of the 66th Avenue freeway ramps in Tables 4.4.3 (page 4.4-14) and 4.4.8 (page 4.4-40). Project effects at the 66th Avenue interchange are reflected in those analyses. Please see the response to comment I4 below regarding feasibility of widening the southbound I-880 off-ramp to 66th Avenue.

The Coliseum event traffic conditions analyzed in the EIR happen rarely. Such conditions would occur approximately 2 to 9 times a year on weekday nights and 2 to 6 times a year on weekend days (letter to Kirin Parmar, Kolve Engineering, from William DiCarlo, Oakland-Alameda County Coliseum Complex, August 31, 1994).

The rare events that reached or exceeded these EIR peak patronage levels have occurred an average of 6.3 times a year at any time on weekdays and five times a year at any time on weekends, as measured over the 1991-1993 time period (letter to Kirin Parmar, Kolve Engineering, from William DiCarlo, Oakland-Alameda County Coliseum Complex, October 6, 1994). Thus, these rare events occur on roughly 11 days of any year, and do not always occur during the peak traffic periods evaluated in the EIR. At any occurrence of these rare events, the peak traffic periods would have a duration of one to two hours; the total number of hours would be from zero to 22 hours during any one year.

2. Project traffic would not have a significant impact on the Hegenberger Road interchange. Because the project would be much closer to the interchange at 66th Avenue and access from that interchange is less circuitous than from the Hegenberger Road interchange, only a negligible volume of project traffic from I-880 would use the Hegenberger interchange. Also, Hegenberger Road normally handles more traffic than 66th Avenue and therefore, regular Price-Costco customers would be expected to find that 66th Avenue provides the most efficient access from I-880.

As shown on Figure 4.4.7 of the Draft EIR, 3.5 percent of project traffic was assumed to access the site via Hegenberger Road. Proportionally more project traffic would use local streets to access the site via 66th Avenue.

3. The comment is noted. The current Traffic Management Plan is a plan for traffic control at Coliseum events administered by the Oakland Police Department. The plan identifies desired travel patterns to and from both primary lots and overflow lots for both inbound and outbound traffic, and provides specific instructions on how to manually direct traffic at the Hegenberger Road/Coliseum Way and 66th Avenue/Coliseum Way intersections. Revisions to the Plan, referenced on pages 4.4-38, 4.4-41, and 4.4-44 of the Draft EIR, would be made in cooperation with the California Highway Patrol, the Oakland Police Department, the State Department of Transportation (Caltrans District 4), and Coliseum management.

4. The comment is noted. Widening the southbound off-ramp at its approach to 66th Avenue is not feasible because the impact occurs only rarely, as explained in the response to comment 11 above. Such conditions would be expected to occur approximately 2 to 9 times a year on weekday nights and 2 to 6 times a year on weekend days. Over the 1991 to 1993 time period, the rare events that reached or exceeded the EIR peak patronage levels have occurred an average of 6.3 times a year at any time on weekdays and five times a year at any time on weekends. Thus, these rare events occur on roughly 11 days of any year, and do not always occur during the peak traffic periods evaluated in the EIR. At any occurrence of these rare events, the peak traffic periods would have a duration of one to two hours; the total number of hours would be from 0 to 22 hours during any one year. Therefore, the City believes that Transportation Systems Management measures would be substantially more cost-effective than any physical improvements at this location. Also, the poor operating conditions on the ramp occur under existing conditions with Coliseum events, and the burden of increasing the ramp capacity during Coliseum events would appropriately be addressed through the evaluation of freeway operations on a corridor basis, rather than imposed on a single development project.
5. The comment is noted. In the Draft EIR, weaving analysis was conducted under Year 2010 conditions only for the northbound direction, between the Hegenberger Road and 66th Avenue interchanges. The Draft EIR also presents level-of-service analysis of freeway ramp intersections at 66th Avenue in Tables 4.4.2 (pages 4.4-11 and 4.4-12) and 4.4.7 (pages 4.4-31 to 4.4-33), and analysis of the 66th Avenue freeway ramps in Tables 4.4.3 (page 4.4-14) and 4.4.8 (page 4.4-40).

J

August 17, 1994

Oakland City Planning Commission
Att: Anu Raud, Environmental Review Coordinator
Oakland City Planning Department
421 - 14th Street, First Floor
Oakland, CA 94612

RE: Oakland/Costco Environmental Impact Report

Dear Planning Commission Members:

By this letter, the City of San Leandro respectfully submits its comments on the "Coliseum Shoreline Project" environmental impact report and the proposed retail project discussed therein. The City's interest in this project arises from its concerns about the impacts to the I-880 corridor, the impacts to regionally significant biotic resources, and seismic safety concerns for prospective shoppers at the regional facility. The City's comments are based both on concerns about the adequacy of the environmental impact report and on concerns about the adequacy of the Oakland General Plan, specifically as it relates to the proposed project.

I. Draft Environmental Impact Report

The City respectfully submits the following comments on the Draft Environmental Impact Report ("Draft EIR"):

Traffic:

1 | A. Neither the Draft EIR nor the appendices make any mention of the TOS Cornerstone Project which is the development of advanced traffic control and monitoring technology for the I-880 Corridor from I-980 to Dixon Landing Road. The TOS project, specifically, includes traffic surveillance, motorist information and ramp metering systems. Ramp metering and HOV bypass lanes are an integral part of the TOS project. Experience to date with metering suggests that there is a possibility of very long, destructive queues at times, especially when freeway flows become too heavy to allow further access to local traffic. Since the proposed retail facility will rely primarily on the 66th Street off-ramp from I-

880, the effect of the TOS project should have been factored into the traffic analysis. Specifically, the following potential traffic impacts should have been disclosed in the Draft EIR:

1. The potential for queues backing onto local streets and through signalized intersections thus interfering with movements to and from the retail establishment;
2. The effect of HOV bypass lanes on ramps, and on weaving characteristics and LOS;
3. The impact on I-880 operations, especially with respect to cumulative impacts with Coliseum events;
4. The potential for traffic to divert to the Hegenberger Road interchange due to ramp metering at 66th.
5. The potential shift in future traffic volumes and patterns due to ramp metering.

The information to conduct such an analysis of the above potential changes in traffic operations exists in the CMA travel model and the models used by Caltrans.

B. There is a statement in the discussion related to the study area that says that "data collected and maintained by the City indicate that trip distribution and trip patterns for the project vicinity would be focused on the 66th Avenue freeway interchange". (p. 4.4-1.) The document does not, however, provide any substantiation of this statement. The information underlying this assumption must be included in the Draft EIR to allow the public the opportunity to evaluate the accuracy of the statement.

C. The study area description further says that "very little project related traffic would be expected to use other locations such as High Street and Hegenberger Road". (p. 4.4-1.) There is no traffic data offered to support this contention. Instead, there is a conclusory introductory statement which merely refers to the configuration of nearby intersections and the alignment of the freeway as purported support for the contention that project customers will use the 66th Street offramp. The inappropriateness of the assumption that customers will use only the 66th Avenue exit is made clear when one factors in that the site is not visible from the 66th Avenue exit traveling southbound

on I-880. Thus, potential customers, especially first time customers, will pass the site and then return using the Hegenberger exit. Moreover, there is no discussion to suggest why customers travelling northbound will not use Hegenberger exit or why customers coming from Alameda won't use Oakport Street to access the site. These are all reasonable alternative access routes which must be analyzed.

3 D. The traffic analysis focuses only on access to the proposed project via the 66th Avenue ramp to I-880. There is an assumption made at page 4.4-1 that the High Street and Hegenberger Road ramps will not be used for access to this project. Airport and Coliseum traffic already use each of these exits, as well as 98th Avenue. During events at the Coliseum, it is likely that traffic will be backed up beyond the 66th Avenue exit in the southbound direction. Thus, other exits, including High Street would likely be used by shoppers attempting to avoid the backup.

Similarly, northbound traffic will also face delays in attempting to exit at 66th Avenue. This is especially likely given that, even with signalization of the southbound and northbound I-880 offramps to 66th Avenue, those intersections will still operate at LOS F for weekend trips. (p. 4.4-13.) Thus, the alternative access routes must be analyzed.

4 E. The Draft EIR says that expansion of the I-880 southbound offramp to accommodate weekend peak traffic is infeasible (4.4-39), however, no explanation is provided as to why the expansion is infeasible. CEQA does not permit such conclusory statements.

5 F. There is a discussion about the necessity of keeping the offramp at 66th Avenue open when the parking lot at a Coliseum event fills, unlike the historical pattern of closing that offramp. The text then goes on to say that the traffic management plan would have to be modified to accommodate the change that would allow the ramp to stay open. There is no discussion, however, about how that traffic management plan would be modified and whether that would impact ingress and egress to the project site. Additional analysis is necessary related to how the traffic management plan and the proposed project traffic circulation will occur concurrently.

6 G. The Draft EIR states at page 4.4-21 that the project site is currently used for overflow parking for events at the Coliseum. It states that with the construction of the proposed project, this parking will be accommodated elsewhere. There is no analysis of this impact or even so much as a statement as to where the

6 | "elsewhere" would be. Moreover, the traffic analysis at page 4.4-
7 | 4 assumes peak attendance at the Coliseum will be approximately
17,300 (weekday) and 35,000 (weekend) when the capacity of that
facility for baseball is 46,990. What is the basis for not using
the capacity of the Coliseum, especially for weekend events which
would coincide with peak customer use of the proposed project site.

8 | H. Intersection 3 - Oakport at 66th: As part of the
analysis of this intersection the Draft EIR states there would be
no Coliseum event traffic at this intersection. However, earlier
in the document, the Draft EIR states that the project site has
been used for overflow parking at Coliseum events. Since the
document fails to identify where this overflow parking will now
occur, it seems premature to conclude that Coliseum events will not
affect this intersection. Moreover, in the event delays caused by
Coliseum events affect the southbound and northbound offramps to
66th Avenue, it is reasonable to assume project related traffic
will rely on Oakport as an access route from the North. These
potential impacts should be analyzed.

9 | I. The cumulative traffic analysis does not quantify the
impacts of the future projects. The traffic analysis in the body
of the Draft EIR focuses on existing traffic, coliseum events and
the proposed projects, but does not appear to address the
cumulative traffic impacts of the list of projects identified on
page 6-2, except for the issue of weaving. Additional analysis is
necessary to quantify the level of service impacts on the relevant
intersections affected by the list of projects in conjunction with
the proposed retail project. Moreover, under the cumulative
growth section of the traffic analysis at page 4.4-25, there is
reference to cumulative area projects pending approval or under
construction, but the only one discussed is the expansion of the
arena. There should be some clarification as to whether or not
there are other planned expansions in the area and this analysis
should be correlated with the cumulative impacts analysis at page
6-2.

Parking:

11 | The proposed project will result in a shortfall of parking
spaces, identified as a SIGNIFICANT impact. This shortfall assumes
permitted parking within the BCDC 100 ft jurisdictional zone. BCDC
may not approve parking. The proposed mitigation measures (which
include such things as carpooling) do not seem to be reasonable in
light of the shortfall of a minimum of 65 spaces. Additionally,
the parking analysis is very weak in its analysis of the
alternatives for overflow parking now that the project site will

- 12 | no longer be available. This impact is identified as less than significant with little discussion.

Visual Quality 4.3-19 through 4.3-23:

- 13 | The Draft EIR identifies the loss of visual open space to the bay as less than significant. Given that the bay view is now almost completely obscured, this cumulative loss of open space may not be insignificant. Additionally, the project is in close proximity to a visually important open space area (Martin Luther King Jr. Regional Shoreline).

Biological Resources 4.10-1 through 4.10-23:

- 14 | The project site was mapped in 1855 as a salt marsh. Most portions of the site have since been filled. A 2.2 acre portion of the site has been identified as man-induced palustrine emergent wetland habitat. The Draft EIR identifies the loss of this habitat as less than significant due to the fact that they are man-induced, and subject to significant human activity (tree farm, horse shows, etc.) The loss of any wetland habitat in the San Francisco and surrounding bay area is generally considered to be significant. In this case, since the site has been historically identified as wetland, the fact that man has already interfered should not be used as a reason to identify the loss of habitat as less than significant.

- 15 | The project in question may not be consistent with the policy to preserve marshes and tidal mudflats. (PG 4.10-18) Moreover,
16 | the cumulative impacts analysis does not discuss the cumulative loss of wetland habitat or the cumulative effect of additional construction on impacts to the hydrology of the surrounding marshes and mudflats.

Seismic Safety:

- 17 | At page 4.5-16 & 17 there is a reference to potential seismic hazards in the area and the mitigation measure is in conformance with the "safety and seismic safety element of the Oakland Comprehensive Plan." This may be an inadequate mitigation measure if the safety and seismic elements are not themselves adequate. (See discussion below re adequacy of the General Plan.)

18

Finally, although the "Project Description" alludes to the fact that the Draft EIR will analyze the environmental effects on San Leandro of closing the existing store, the Draft EIR contains no such discussion.

CEQA governs activities of public agencies which affect the quality of the environment. The fundamental purpose of CEQA is "to ensure that environmental considerations play a significant role in governmental decision-making." (Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Assn. (1986) 42 Cal.3d 935.) A Draft EIR must identify and focus on the possible significant environmental impacts of a proposed project. (§ 15126.) CEQA further declares that "it is the policy of the State that noncompliance with the information disclosure provisions [of CEQA] which precludes relevant information from being presented to a public agency . . . may constitute a prejudicial abuse of discretion . . . regardless of whether a different outcome would have resulted if the public agency had complied with those provisions." (§ 21005.)

19

CEQA further requires that an Agency recirculate an environmental impact report when subsequent to public review, but prior to final certification, the lead agency adds "significant new information" to the Draft EIR. (Public Resources Code section 21092.1.) The rationale for requiring recirculation is that when a document is changed to include significant new information, the revised environmental document must be subjected to the same critical evaluation that occurs in the draft stage so that the public is not denied an opportunity to test, assess and evaluate the data provided in the Draft EIR. (Sutter Sensible Planning Inc., v. Board of Supervisors (1981) 122 Cal.App3d 813, 822.)

According to a recent Supreme Court decision, recirculation is necessary when the Draft EIR is changed in a way that, absent circulation, the public would be deprived of a meaningful opportunity to comment upon the substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. (Laurel Heights Improvement Assoc. of San Francisco v. Regents of University of California (1993) 6 Cal.4th 1112, 1129-1130.)

Because the information sought herein asks for changes to the fundamental base information provided in the document, such as reassessment of base traffic assumptions, and a more thorough analysis of biologic resources, the City respectfully requests that a revised Draft EIR be recirculated.

II. GENERAL PLAN ADEQUACY

The following elements of the Oakland General Plan ("sometimes referred to as the "Comprehensive Plan"), are inadequate:

Land Use (April 29, 1980),
Circulation (June 11, 1974),
Noise (September, 1974), and
Seismic Safety (part of Oakland Policy Plan, October 24, 1972,
amended through September 1980).

The California Government Code sets forth the required elements of a General Plan, as well as the contents of the required elements. (§ 65302.)

Land Use Element:

The Land Use Element of the General Plan, last updated in April of 1980, was reviewed for compliance with Government Code section 65302, subdivision (a), particularly with regard to standards for building intensity for various districts. The Land Use Element contains policies regarding building intensity.

These land use policies set a FAR standard of 4.0 or more for the Central District, and merely state areas outside the Central District should not exceed a FAR of 4.0. Government Code Section 65302, subdivision (b), requires that the Circulation Element be correlated with the intensities in the land use element of the General Plan. With the potential for significant and varying traffic generation as a result of the vague policy for all the districts except the Central District, there is no way to make the land use and Circulation Elements consistent.

The project should not be approved until a standard for intensity for the areas outside the Central District is established. The Land Use Element was last updated on April 29, 1980. We understand that Oakland Planning staff is in the process of updating the Land Use and Circulation Elements of the Comprehensive Plan. A two year process has been initiated with completion and adoption anticipated for the Spring of 1996.

The inadequacies of the general plan relate to the project in a number of ways. The General Plan Land Use Designation (Figure 4.1.2) shows this site as commercial and the Zoning Map (Figure 4.1.3) shows the site as M-40, Heavy Industrial. The text of the Draft EIR states that the M-40, Heavy Industrial classification is intended to:

"create, preserve, and enhance areas containing manufacturing or related establishments that are generally incompatible with other uses and have extensive shipping or rail requirements. The Land Use Element of the Oakland Comprehensive Plan notes that an admixture of some nonindustrial uses is appropriate within industrial areas, though the types and scale depend on the specific kind of area."

22 The Zoning Ordinance requires a Major Conditional Use Permit for retail uses greater than 3,000 square feet in floor area. The Zoning Ordinance sets a minimum requirement for review, but sets no maximum. The Land Use Element did not address the appropriateness of 250,000 square feet of retail development in this heavy industrial zone. With such a low threshold (3,000 square feet) for discretionary review, the Land Use Element gives insufficient direction for a finding of consistency with the General Plan. Moreover, the designation of this property as "commercial" in the Land Use Element is inconsistent with the "Industrial" Zoning Code designation, possibly indicating a commercial project of this size was not anticipated under existing zoning.

The Draft EIR does not discuss the issue of the general plan update process. Section 15125 of the CEQA Guidelines requires that an Draft EIR discuss "any inconsistencies between the proposed project and applicable general plans and regional plans." The status of the Land Use Element of the General Plan should be explained in the Environmental Impact Report and the Draft EIR should be recirculated along with a General Plan amendment.

Circulation Element:

Government Code Section 65302 (b) requires the following: "A Circulation Element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan."

23 The Circulation Element is deficient. The Circulation Element appears to analyze major street improvements needed by 1985. These improvements are illustrated on a map, which includes an index of the 65 improvements to be made. The time frame of the street improvement plan is between 1973-1985. The outer range of the improvement period is more than nine years old. There appears to be no description or map of any of the above mentioned Government Code Section requirements.

The relationship between these inadequacies of the Circulation Element and the project is that the transportation section of the Draft EIR is a crucial component of the report, with many of the impacts still being "significant" after the imposition of mitigation measures. The Circulation Element does not "describe, discuss or set forth standards or proposals respecting any change in demands on the transportation infrastructure as a result of changes in uses of land contemplated by the plan." There are therefore no guidelines to help assess the numerous traffic impacts of the project in terms of an overall City strategy for traffic and land use issues.

23 Once again, the project should not be approved until the Circulation Element is updated to contain the required elements. Oakland Planning staff is in the process of updating the Land Use and Circulation Elements of the Comprehensive Plan. A two year process has been initiated with completion and adoption anticipated for the Spring of 1996. The status of the Circulation Element of the General Plan should be explained in the Environmental Impact Report and the Draft EIR should be recirculated.

Safety:

The California Government Code, Section 65302, subsection (g), provides the requirements for an adequate safety element. The City of Oakland's Safety Element shows no map of "seismic and other geologic hazards" (as required in subsection (g)). It does not address "evacuation routes, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards" (as required in subsection (g)). Without a thorough analysis of the seismic issues, it is difficult to ascertain the potential impact to prospective customers.

24 The inadequacy of the Safety Element of the Oakland Comprehensive Plan is not discussed in the Environmental Impact Report. The status of updating the Safety Element is not known at this time. The only known updates underway are the Land Use and Circulation Elements. Please explain why reliance on the Safety Element Policies is sufficient mitigation.

Noise:

25 Government Code Section 65302 (f) provides the requirements for an adequate noise element. The Oakland Noise Element contains maps for "Selected Noise Contours from Freeways," "Selected Noise Contours from Airports," and "Selected Noise Contours from Rapid

Transit." There is no analysis or quantifying of current and projected noise levels for primary arterials and major local streets, passenger and freight on-line railroad operations, or local industrial plants, as required.

To the extent that some of the required noise evaluations are contained in the Noise Element, they are clearly outdated. The operation of the Metropolitan Oakland International Airport has changed since 1974. The Noise Element was adopted in September of 1974, and has not since been amended, nor is there any known schedule to update this Element.

25 The inadequacies of this Noise Element are important for this project, and indeed, this importance is stated in the Environmental Impact Report. The Draft EIR, on page 4.9-1, states the following: "The project site is currently undeveloped and contains no existing sources of noise. However, several major sources of noise exist in the project site vicinity including traffic on the Interstate 880 ("I-880") and Oakport Street to the east, traffic on Hassler Way to the south, and railroad operations along the railroad spur tracks to the west. In addition, commercial and general aviation aircraft operate on runways at Metropolitan Oakland International Airport ("MOIA") that are about 1.5 miles southwest of the project site."

Also, page 4.9-11 of the Draft EIR states "Such noise levels would not be expected to increase ambient noise levels in the vicinity of the existing recreational facilities, and would not exceed the City's noise guidelines for extensive natural recreation areas." What are these guidelines? Where are they located in the Noise Element? Why is there no mention of the Noise Element in particular?

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August 17, 1994
Page 11

Thank you for providing the City of San Leandro an opportunity to comment on the Draft EIR. Please do not hesitate to call if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "June Catalano". There is a small mark, possibly initials, at the end of the signature.

June Catalano, Development Services Director
City of San Leandro

cc: Mike Oliver
Steve Meyers
Steve Emslie
Steve Mattas
csl\136\ltr\01\aug94\james.ltr

J. Responses to Comments from June Catalano, City of San Leandro

1. The application of Traffic Operations System ("TOS") improvements is meant to enhance ramp and freeway conditions analyzed for the project. TOS would include ramp metering that would be expected to improve ramp and freeway operations to acceptable levels under the Year 2010 traffic conditions. "Implementation of ramp metering will have minimal impact on local motorists since the metering rates at most of the ramps and during most of the time periods will match the demand rates. At the local roadway interchanges, the metering rates will be set so that the queue lengths do not exceed the on-ramp storage and do not back up onto the local roadways." (letter to Mike Pickering, City Traffic Engineer, from James S. McCrank, Caltrans District 4, dated July 13, 1994.)
2. The comment is noted. Project studies for the Coliseum area (e.g., Coliseum Area Development Program Technical Reports dated September 1982, Coliseum Area Redevelopment Plan Administrative Draft EIR dated February 1987, Oakland-Alameda County Coliseum Expansion dated December 1989, Oakland Coliseum Arena Administrative Draft EIR dated July 1992) indicate that much of the traffic headed towards the Oakland Airport Business Park flows through the 66th Avenue and Hegenberger Road interchanges, as does traffic headed to the Coliseum Complex.

For the EIR, it was concluded from this available data that since the project would be much closer to the interchange at 66th Avenue and access from that interchange is less circuitous than from the Hegenberger Road interchange, only a negligible volume of traffic from I-880 would use the Hegenberger interchange. Also, Hegenberger Road normally handles more traffic than 66th Avenue and therefore, is much less attractive.

3. As discussed in the response to comment J2 above, project traffic would not have a significant impact on the Hegenberger Road interchange. Because the project would be much closer to the interchange at 66th Avenue and access from that interchange is less circuitous than from the Hegenberger Road interchange, only a negligible volume of project traffic from I-880 would use the Hegenberger interchange. Also, Hegenberger Road normally handles more traffic than 66th Avenue and therefore, regular Price-Costco customers would be expected to find that 66th Avenue provides the most efficient access from I-880.

Due to travel distances, traffic from the southern end of Alameda and the northern end of Bay Farm Island would use Oakport Street to access the project rather than the Doolittle Drive to Hegenberger Road route. A small volume of project-related traffic from the High Street area east of I-880 would also use Oakport Street. Some project traffic would use the I-880 ramps at High Street. However, because of the traffic along High Street, it was anticipated that the majority of project-related traffic from the High Street area east of I-880 would access the site by way of 66th Avenue.

4. Widening the southbound off-ramp at its approach to 66th Avenue is not feasible because the Coliseum event traffic conditions analyzed in the EIR happen rarely. Such conditions would be expected to occur approximately 2 to 9 times a year on weekday nights and 2 to 6 times a

year on weekend days (letter to Kirin Parmar, Korve Engineering, from William DiCarlo, Oakland-Alameda County Coliseum Complex, August 31, 1994). Over the 1991 to 1993 time period, the rare events that reached or exceeded the EIR peak patronage levels have occurred an average of 6.3 times a year at any time on weekdays and five times a year at any time on weekends (letter to Kirin Parmar, Korve Engineering, from William DiCarlo, Oakland-Alameda County Coliseum Complex, October 6, 1994). Thus, these rare events occur on roughly 11 days of any year, and do not always occur during the peak traffic periods evaluated in the EIR. At any occurrence of these rare events, the peak traffic periods would have a duration of one to two hours; the total number of hours would be from 0 to 22 hours during any one year. Therefore, the City believes that Transportation Systems Management measures would be substantially more cost-effective than any physical improvements at this location. Also, the poor operating conditions on the ramp occur under existing conditions with Coliseum events, and the burden of increasing the ramp capacity during Coliseum events would appropriately be addressed through the evaluation of freeway operations on a corridor basis, rather than imposed on a single development project.

5. The comment is noted. The modification to the traffic management plan at this intersection is to permit the northbound left-turn movement that already occurs under non-event conditions. The Draft EIR analysis assumes that this mitigation is in place.

The current Traffic Management Plan is a plan for traffic control at Coliseum events administered by the Oakland Police Department. The plan identifies desired travel patterns to and from both primary lots and overflow lots for both inbound and outbound traffic, and provides specific instructions on how to manually direct traffic at the Hegenberger Road/Coliseum Way and 66th Avenue/Coliseum Way intersections. Revisions to the Plan, referenced on pages 4.4-38, 4.4-41, and 4.4-44 of the Draft EIR, would be made in cooperation with the California Highway Patrol, the Oakland Police Department, the State Department of Transportation (Caltrans District 4), and Coliseum management.

6. Historically, the project site has been used for overflow parking that has been associated with Oakland Raiders football games. Without football events at the Coliseum, the project site has been used much less frequently for overflow parking, and only for those times when Coliseum parking demand is above the EIR peak. With the project, Coliseum event traffic would be expected to redistribute to other parking options evenly spread around the Coliseum Complex. It is estimated that at these EIR peak events up to about 150 to 200 vehicles have used the project site for overflow parking (Oakland-Alameda County Coliseum Expansion, December 28, 1989).

As stated in the response to comment J4 above, the rare Coliseum events that reached or exceeded the EIR peak patronage levels have occurred an average of 6.3 times a year at any time on weekdays and five times a year at any time on weekends, as measured over the 1991-1993 time period. Thus, these rare events occur on roughly 11 days of any year, and do not always occur during the peak traffic periods evaluated in the EIR. At any occurrence of these rare events, the peak traffic periods would have a duration of one to two hours; the total number of hours would be from 0 to 22 hours during any one year.

7. The capacity of the Coliseum was not used as the basis for Coliseum event traffic conditions since capacity conditions rarely occur. The Coliseum event traffic conditions analyzed in the EIR occur approximately 2 to 9 times a year on weekday nights and 2 to 6 times a year on weekend days. Over the 1991-1994 time period (through September 30, 1994), there were no baseball games where attendance was at stadium capacity. Including concurrent events, the 46,900 attendance figure cited in the comment has been reached or exceeded:
- ▶ three times at any time on a weekday in 1994, for Day on the Green concerts in the stadium, once with a concurrent Warriors basketball game in the arena;
 - ▶ no times in 1993;
 - ▶ four times in 1992, including three times at any time on a weekday, for baseball in the stadium with a concurrent event in the arena, and once for a Day on the Green concert, and one time at any time on a weekend, for a Day on the Green concert with a concurrent event in the arena; and
 - ▶ four times in 1991 at any time on a weekend, for baseball in the stadium with a concurrent event in the arena, and once for a Day on the Green concert.
8. See the response to comment J6 above. As stated on page 4.4-7 of the Draft EIR, the existing Coliseum event traffic shown in Figure 4.4.3 reflects necessary adjustments to account for the fact that, if the project were constructed, the Coliseum event traffic that currently uses the project site for spill-over parking would have to be diverted elsewhere, including locations along Oakport Street north of 66th Avenue. With the project, there would be only a negligible amount of Coliseum event traffic on southbound Oakport Street on those rare occasions when patronage levels at the Coliseum Complex exceed the EIR peaks.
9. To clarify the discussion in the Draft EIR, tables summarizing traffic conditions under 2010 cumulative conditions at study intersections and ramps, and accompanying figures are included following these responses to comments from the City of San Leandro. The following is a summary of the tables:

Intersection Impacts. Under Year 2010 weekday PM conditions levels of service would be acceptable. Mitigation previously described in the Draft EIR would continue to be sufficient to mitigate intersection operations.

Ramp Impacts. Ramp operations under the Year 2010 traffic conditions would continue to be acceptable.

Addition of this information does not alter the findings of significance in the EIR. Please note that the tables show Year 2010 conditions only for the PM peak period; weekend noon peak data for the Year 2010 is generally not available from the Alameda County Congestion Management Agency and other agencies.

In the tables, the growth rate assumed for the five study intersections and ramps was 8.5 percent, which is equivalent to one-half percent growth per year. In addition to the project traffic, traffic was also added to account for known cumulative developments, including those

projects listed on page 6-2 of the Draft EIR, with two exceptions: (1) the Fruitvale BART Project already is included as a project within the Coliseum Area Redevelopment Plan; and (2) the BART-Oakland Airport Intermodal Connector Project is not included because useable traffic generation data for the project is not yet available. Other cumulative developments that were included were the development of the American Can Facility site and development at the Del Monte Cannery site. Trip generation, distribution, and assignment for these developments was obtained from the various project study reports.

Freeway growth was based on ABAG *Projections '90* and amounted to 13.2 percent by the Year 2010. *Projections '90* data did not account for the current recession and therefore, the projections for Year 2010 are higher than the more conservative estimates in ABAG *Projections '94*. Therefore, the City conducted a census tract and traffic zone¹ evaluation and compared the two sets of Year 2010 projections, one based on *Projections '90* and the other based on *Projections '94*, with data on approved projects and those known to be undergoing environmental review. This evaluation resulted in a finding that the 13.2 percent growth rate accounts for development of the Coliseum Area Redevelopment Plan, and retail development at the American Can and Del Monte sites. To avoid double-counting, only traffic from special generators such as the Airport Development Program and the Coliseum Complex expansion was added to establish the 2010 cumulative volumes. Proposed project traffic was then added to these volumes.

10. Please see the response to comment J9 above.
11. The comment is noted. The parking demand for the proposed project was based on one sample survey and therefore, is not a statistical average peak demand for the project. Rather, the parking shortfall identified in the EIR should be treated as a peak of the peak demand that would occur only rarely. While the Hayward Price-Costco was thought to be the most comparable facility for which data was available, it is acknowledged that the parking demand rate of 6.8 spaces per 1,000 square feet of development for the Hayward Price-Costco falls at the high end of the range for trip generation/parking demand at Price-Costco stores. Other studies of Price-Costco stores have parking demand rates as low as 3.8 spaces per 1,000 square feet of development (letter report on the Laguna Niguel Costco store to Larry Harder, Northwest Atlantic Partners, from Chris R. Swenson, Kimley-Horn and Associates, dated October 14, 1992).

Regarding the proposed mitigations listed on page 4.4-50 of the Draft EIR, upon project approval, the project sponsors would be required to submit a parking shortfall plan to the City for review and approval. Implementation of the parking shortfall plan will reduce the identified impact to a less than significant level. It is expected that some combination of the measures listed, including restriping the parking lot, revising the parking layout, securing parking for employees off-site, and providing Transportation Demand Management measures (such as carpools and public transit subsidies) would be submitted, each of which would offset a portion of the total forecast peak of the peak parking shortfall. As an example, restriping

¹Traffic analysis zones for the City of Oakland as established by the Alameda County Congestion Management Agency.

for compact spaces could result in a gain of 20 spaces, revising the parking layout could result in a gain of 10 spaces, providing for weekday PM and weekend employee parking at nearby paved lots such as Unisys could result in a gain of 30 spaces, permitting onstreet parking along Oakport could result in a gain of 15 spaces, and issuing subsidies to employees who use public transit could result in a gain of 10 spaces, for a total gain of 85 spaces.

12. Please see the response to comment J6 above.
13. The comment is noted. The comment identifies two separate issues for discussion: (1) obstruction of bay views and (2) loss of open space. Page 4.3-11 of the Draft EIR describes short-, medium-, and long-range views from the northwestern border of the site along Damon Slough oriented towards San Leandro Bay and San Francisco. The EIR contains a systematic analysis of project impacts on views of and from the site based on the criteria included in the California Environmental Quality Act ("CEQA") *Guidelines* (see pages 4.3-19 and 4.3-20 of the Draft EIR). As stated on page 4.3-20 of the Draft EIR, while views from some interior locations on the project site may be obstructed, views from the portion of the site bordering Damon Slough looking towards San Leandro Bay and San Francisco will not be blocked by the proposed project. The improved pedestrian access along the banks of Damon Slough proposed as part of the project would enhance and preserve public access to these views.

The Draft EIR states that the proposed project would result in visual quality impacts that include:

- ▶ partial obstruction of scenic views (see Impact 4.3-1, page 4.3-20);
- ▶ potential impairment of the visual quality of the existing site and its vicinity (see Impact 4.3-3, page 4.3-21 to page 4.3-22); and
- ▶ an incremental contribution to the cumulative loss of visual open space in the San Leandro Bay Shoreline area (see Impact 4.3-4, page 4.3-23).

The EIR analysis concludes that the project's visual quality impacts would be less-than-significant in each instance. The Draft EIR notes that potential view obstruction resulting from the proposed project would be partial and that existing views from the project site of landscape features having positive aesthetic value, including the East Bay Hills and the waters of San Leandro Bay, are fragmented and degraded by urban development and infrastructure in the project site area. In addition, the Draft EIR notes that the proposed project would have beneficial visual quality effects including enhancement of public access to the portion of the site adjacent to Damon Slough that affords the most valuable views of the slough and San Leandro Bay, as well as site landscaping.

14. The U.S. Army Corps of Engineers determined that 0.06 acres (roughly 2,600 square feet) of federally regulated seasonal freshwater wetlands exist on the site. The project has been modified to create 0.37 acres (roughly 16,100 square feet) of wetlands within the 100 foot shoreline band along Damon Slough. These wetlands will be adjacent to and augment the

0.24 acres of off-site tidal wetlands already present along the south shore of the slough. The design of the wetlands would incorporate clay liners to hold water from seasonal rainfall events for a longer period of time than is presently the case. Also, these wetlands will not be subject to the type of human activity (e.g., Christmas tree sales, flea markets, horse shows) as is the case with the currently existing wet areas of the site. This information does not affect findings of significance in the EIR and is provided for clarification purposes only.

As correctly stated in the EIR, the loss of wetlands resulting from the project is not considered significant under CEQA *Guidelines*. Also, the creation of the 0.37 acres of seasonal freshwater wetlands will result in a more stable wetland area than currently exists at the site.

15. Policy 4 of the *Oakland Comprehensive Plan* states that "Marshes and tidal flats should be preserved to the fullest extent feasible to provide habitat for fish and wildlife." Policy 7 states that "Bay mudflats and marshes should be kept undeveloped to the maximum extent feasible, so that the organic soils which support fish and wildlife habitats there are not disturbed." Also, BCDC *Bay Plan* policies on marshes and mudflats indicate that the protection of such areas is based on their status as integral parts of the bay tidal system. However, the project site is not a tidal mudflat but a man-made stormwater detention/settling basin and is more akin to a wet meadow than the type of organic-soil-based marsh envisioned in the City and BCDC policies.
16. With regard to the cumulative impacts on wetland habitat or the hydrology of surrounding marshes and mudflats, the loss of wetlands resulting from the project is not considered significant under CEQA *Guidelines*, and the proposed creation of seasonal freshwater wetlands at the Damon Slough end of the site will result in a more stable wetland area than currently exists at the site. Moreover, the management of stormwater through detention facilities, including a separate wetland area specifically design for stormwater treatment, is expected to reduce any impacts to the hydrology of the surrounding marshes and mudflats below detectable levels.
17. The comment refers to Impact 4.5-3 and its mitigation; however, the complete mitigation measure on page 4.5-17 of the Draft EIR is as follows:

"To address potential seismic hazards including groundshaking, the project shall conform to the policies of the Safety & Seismic Safety Element of the Oakland Comprehensive Plan, and shall implement all standard conditions of approval regarding geotechnical issues."

This mitigation measure adequately addresses the identified impact because while the safety and seismic safety policies of the *Comprehensive Plan* sets forth general guidelines for the project such as the inclusion of the most current seismic design, the implementation of applicable policies would occur through application of specific recommendations as determined by a site-specific geotechnical investigation. The mitigation measure, if adopted by the Planning Commission as a condition of project approval and effectively implemented, will provide the City with reasonable assurances that related potential significant impacts will

be reduced to less than significant levels or eliminated. Technical specifications for project design and construction are routinely completed as part of subsequent stages of the City's development review process after the basic design parameters have been established through City review of the EIR and the associated use permit application.

18. As stated on page 3-7, the Draft EIR "analyzes the impacts of terminating operations at the San Leandro site on traffic, noise, air quality, and population, housing, and employment in the vicinity of the project site." Accordingly, the traffic analysis "assumes closure of the existing Costco store three miles away in San Leandro as an indirect effect of this project" (page 4.4-24). It should be noted that traffic volumes in the analysis are not discounted to account for the closure of the San Leandro store, but rather, assumes that a comparable tenant would replace Costco in its San Leandro location. Trip distribution for the analysis was "based on a review of ABAG population data for the region, as well as a recognition of the locations of competing developments, not including the existing Costco store in San Leandro" (page 4.4-26). Since the noise and air quality analyses in the EIR are based on the traffic analysis, these EIR sections also assume closure of the existing San Leandro store.

Regarding population, housing, and employment, the EIR assumes that there would be no significant housing impacts or population increases attributable to the transfer of Costco employees from the San Leandro store to the Oakland store, nor would those employees no longer working for Costco move out of the area. Regarding project employment, the EIR assumes that 75 percent of the estimated 143 employees of the San Leandro Costco would transfer to the Oakland store (page 4.2-7).

19. The Draft EIR, in combination with the responses to comments provided in this Final EIR document, represents a detailed, full disclosure environmental document that fully complies with CEQA and City of Oakland EIR guidelines for describing and analyzing the significant environmental effects of the proposed project and for discussing ways to avoid or effectively reduce identified adverse effects. Contrary to the contentions of the commenter, recirculation of the Draft EIR is not necessary.

Clarification of the base traffic assumptions and the Draft EIR biologic resources analysis have been provided in the above responses. The responses have adequately addressed the relevant points raised in the respective comments. Basic assumptions have been clarified as warranted, and explanations provided to assist the reader in understanding the information provided in the Draft EIR. Where the Lead Agency disagrees with a comment, the reasons for disagreement are given. Where appropriate, information not in the Draft EIR has been provided; however the City has determined that such information does not affect the adequacy or findings of the Draft EIR. Also, where appropriate, changes have been made to the Draft EIR to correct nonsubstantive typographical errors.

20. CEQA *Guidelines* Section 15125(b) stipulates that "the EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans." The Draft EIR includes adequate analysis of project consistency with all adopted elements of the *Oakland Comprehensive Plan*. Evaluation of the adequacy of the *Comprehensive Plan* is beyond the scope of this project EIR.

21. Consideration of general plan requirements does not affect the adequacy or findings of the Draft EIR. For informational purposes only, the *Oakland Comprehensive Plan* includes all required elements and "diagrams and text setting forth objectives, principles, standards, and plan proposals," pursuant to Government Code Section 65302. Also, see the response to comment J20 above.
22. Evaluation of the adequacy of the Land Use Element is beyond the scope of this project EIR. Please see the response to comment J20 above. The Draft EIR includes a discussion of relevant *Oakland Comprehensive Plan* policies. The concern expressed in the comment over building intensity is not germane to this project because the intensity of development proposed for the site is much less than the intensity of development in the Central District. Regarding the apparent inconsistency between the "Commercial" designation for the site in the Land Use Element and the "Industrial" zoning designation, there is no inconsistency because the M-40 Zone specifically allows commercial uses such as the project upon approval of a conditional use permit. The use permit process ensures compatibility of the project with adjacent uses, as explained on Draft EIR page 4.1-8.

To keep the EIR discussion within reasonable bounds, and to meet CEQA guidelines pertaining to discussion of project consistency with applicable general plans, the EIR focuses on adopted land use goals policies, and objectives. For informational purposes only, the general plan is being updated. Any resultant general plan amendments would not affect the adequacy or findings of the EIR. The purpose of the EIR is to provide a sufficient information base for City use in establishing requirements or conditions of approval with respect to finalizing project design, construction, and operational characteristics, and for City identification of the conditions of preliminary project approval necessary to ensure that the various significant adverse impacts on the environment are either mitigated to less than significant levels, or accepted in light of other overriding considerations. The EIR clearly and adequately discloses and describes the significant adverse environmental impacts of the project and includes mitigation measures which will provide the City with reasonable assurances that related significant impact potentials will be reduced to less than significant levels or eliminated.

23. Evaluation of the adequacy of the Circulation Element is beyond the scope of this project EIR. Please see the responses to comments J20 and J22 above. Regarding City transportation guidelines related to the project, there are policies in Section L of the *Policy Plan* which are part of the Circulation Element and which generally sets direction for the City to support only those transportation improvements that will provide benefit to the City and the physical environment. The EIR traffic analysis is consistent with this policy direction, because intersection and other roadway improvements are identified that are either part of the proposed project (such as improvements along Oakport Street fronting the site) or are mitigation measures (such as the signalization of intersections along 66th Avenue).
24. Evaluation of the adequacy of the Safety Element is beyond the scope of this project EIR. Please see the response to comment J20 above. Contrary to the comment, the EIR does not rely solely or primarily on Safety Element policies to mitigate potential safety impacts. The EIR adequately assesses significant impact potentials related to geologic hazards (see Draft

EIR section 4.5). As discussed in the response to comment J17 above, while the safety and seismic safety policies of the *Comprehensive Plan* sets forth general guidelines for the project such as the inclusion of the most current seismic design, the implementation of applicable policies would occur through application of specific recommendations as determined by a site-specific geotechnical investigation. The mitigation measure, if adopted by the Planning Commission as a condition of project approval and effectively implemented, will provide the City with reasonable assurances that related potential significant impacts will be reduced to less than significant levels or eliminated. Also, the EIR includes related discussions regarding traffic safety, hazardous materials, and fire protection (see Draft EIR sections 4.4, 4.6, and 4.11, respectively).

25. Evaluation of the adequacy of the Noise Element is beyond the scope of this project EIR. Please see the response to comment J20 above. Regarding noise guidelines for extensive natural recreation areas, these are discussed on Draft EIR page 4.9-4 and are referenced therein as part of the City's Noise Element. (Also, see footnote 5 on page 4.9-12.) Specifically, the referenced noise and land use compatibility guidelines are shown on Table 2, page 24 of the Noise Element.

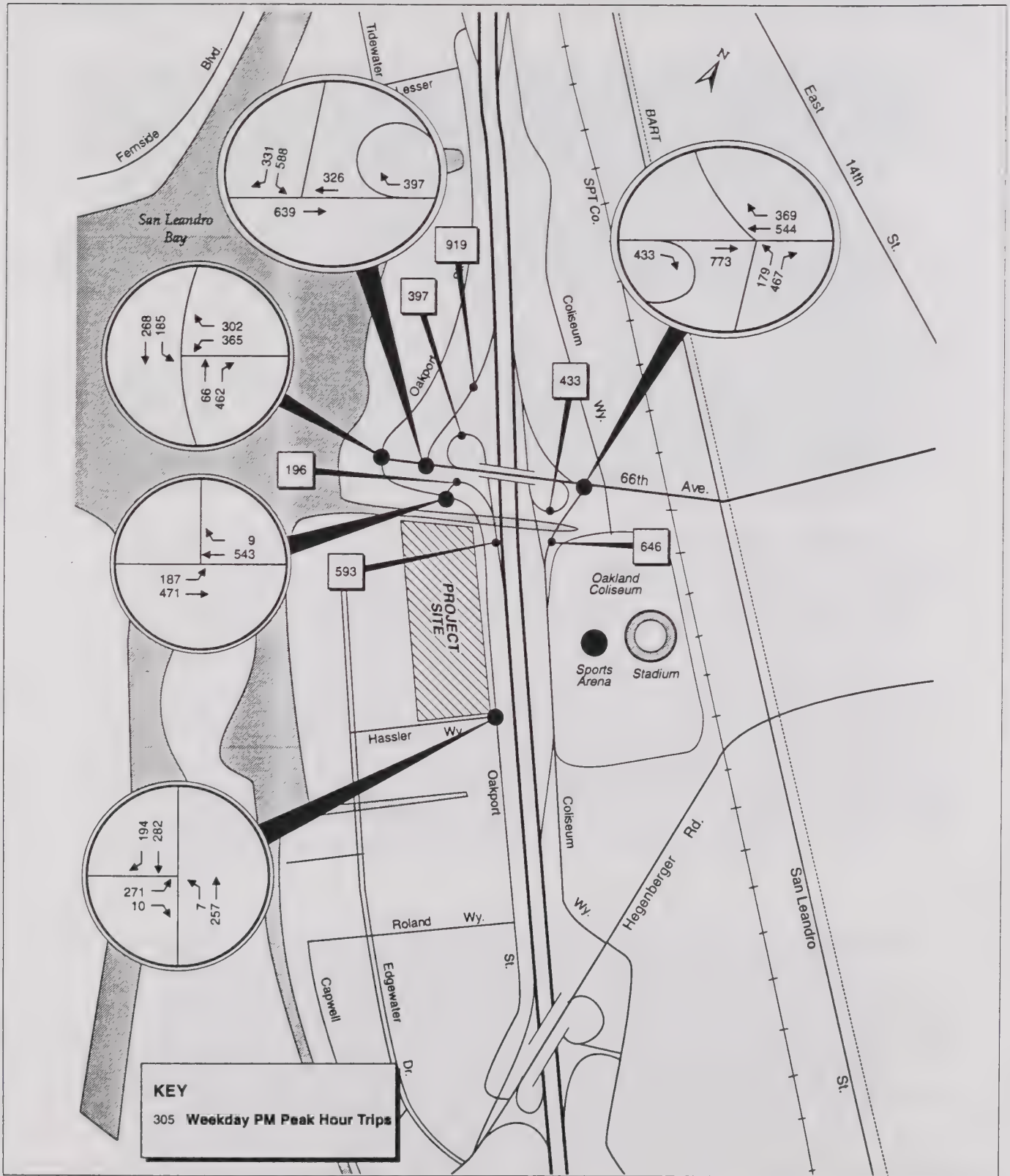


Figure 4.4.10a

2010 Cumulative Traffic Volumes (No Project)
Without Events at Oakland-Alameda Coliseum

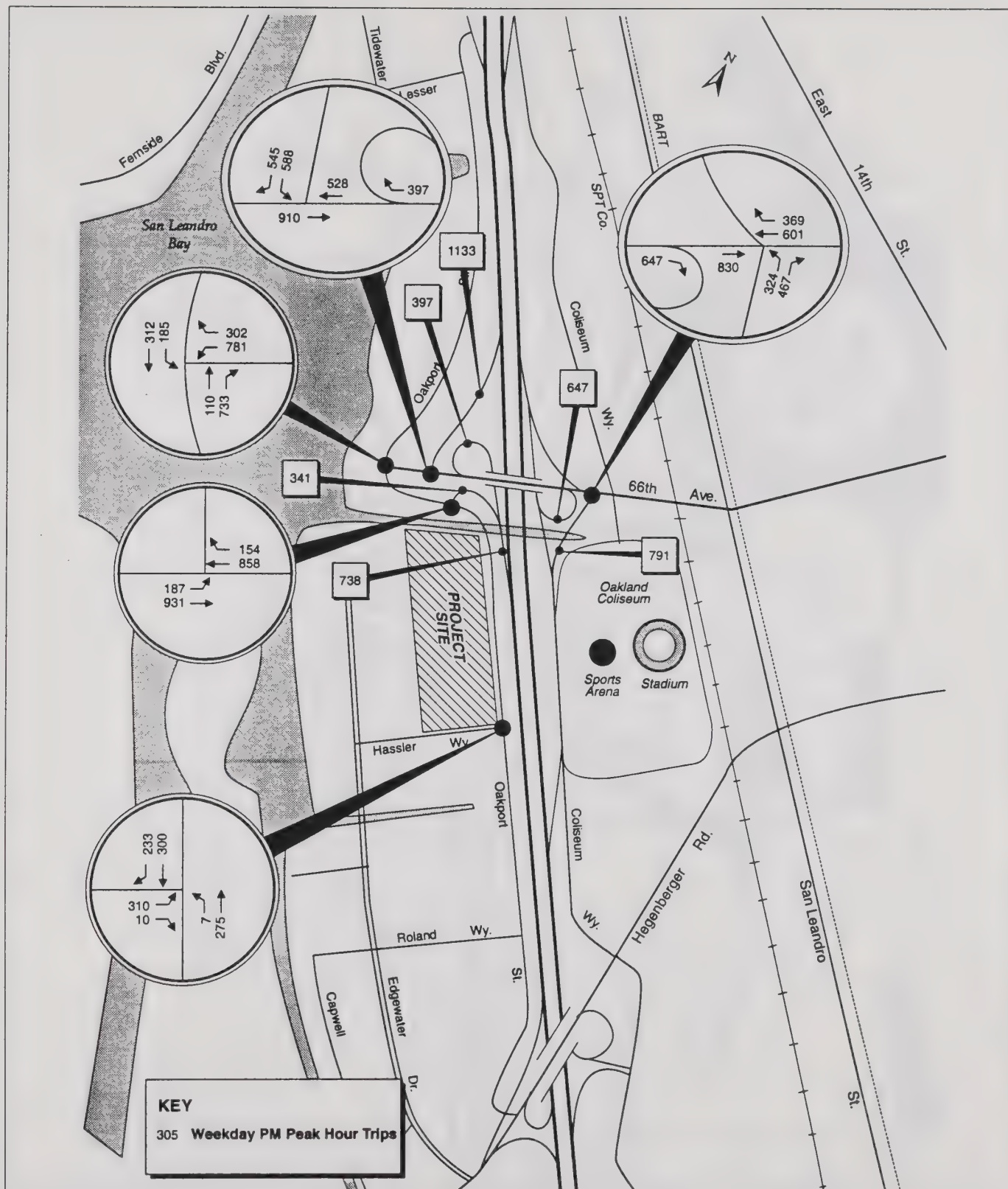


Figure 4.4.10b

2010 Cumulative and Project Traffic Volumes
Without Events at Oakland-Alameda Coliseum

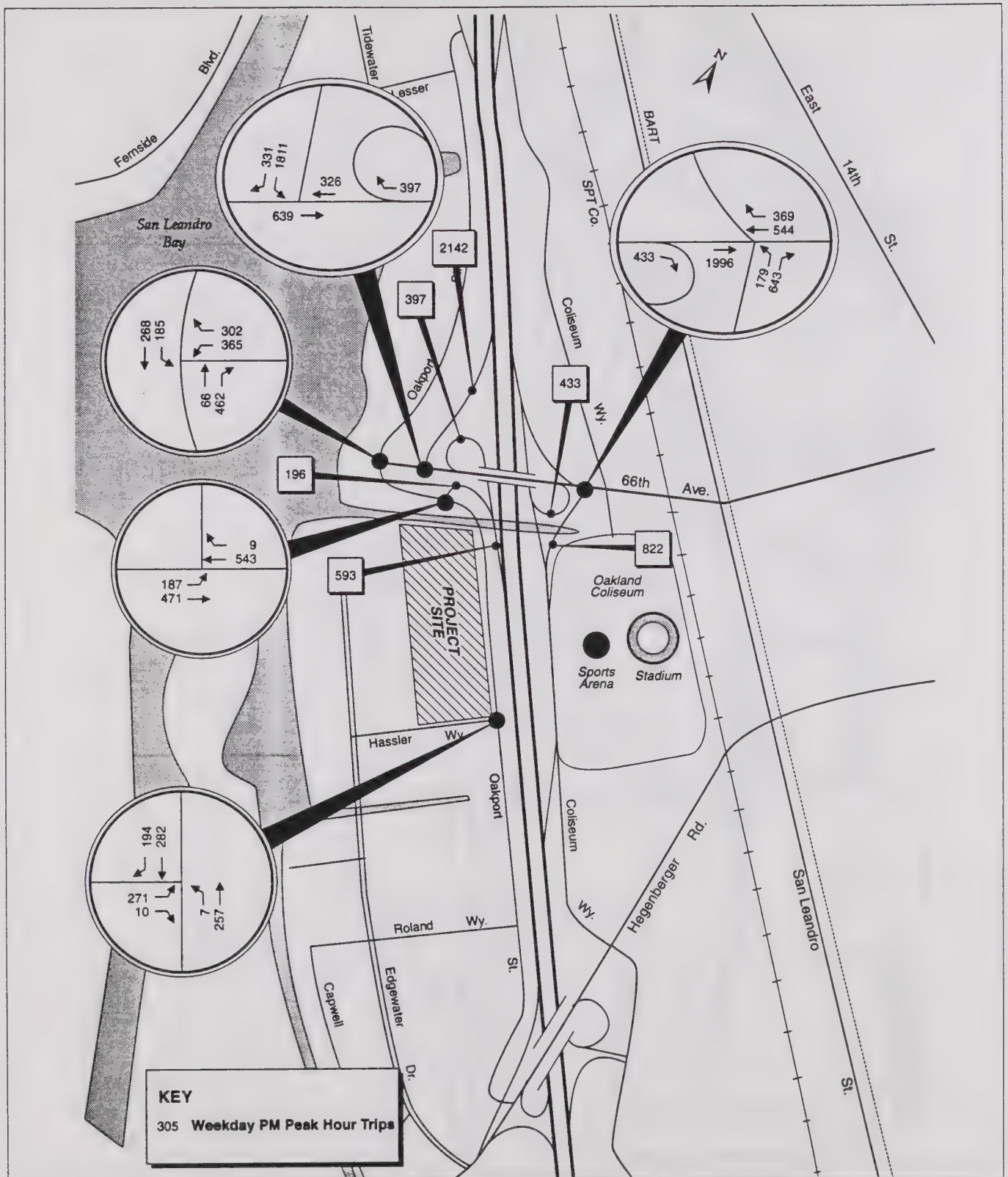
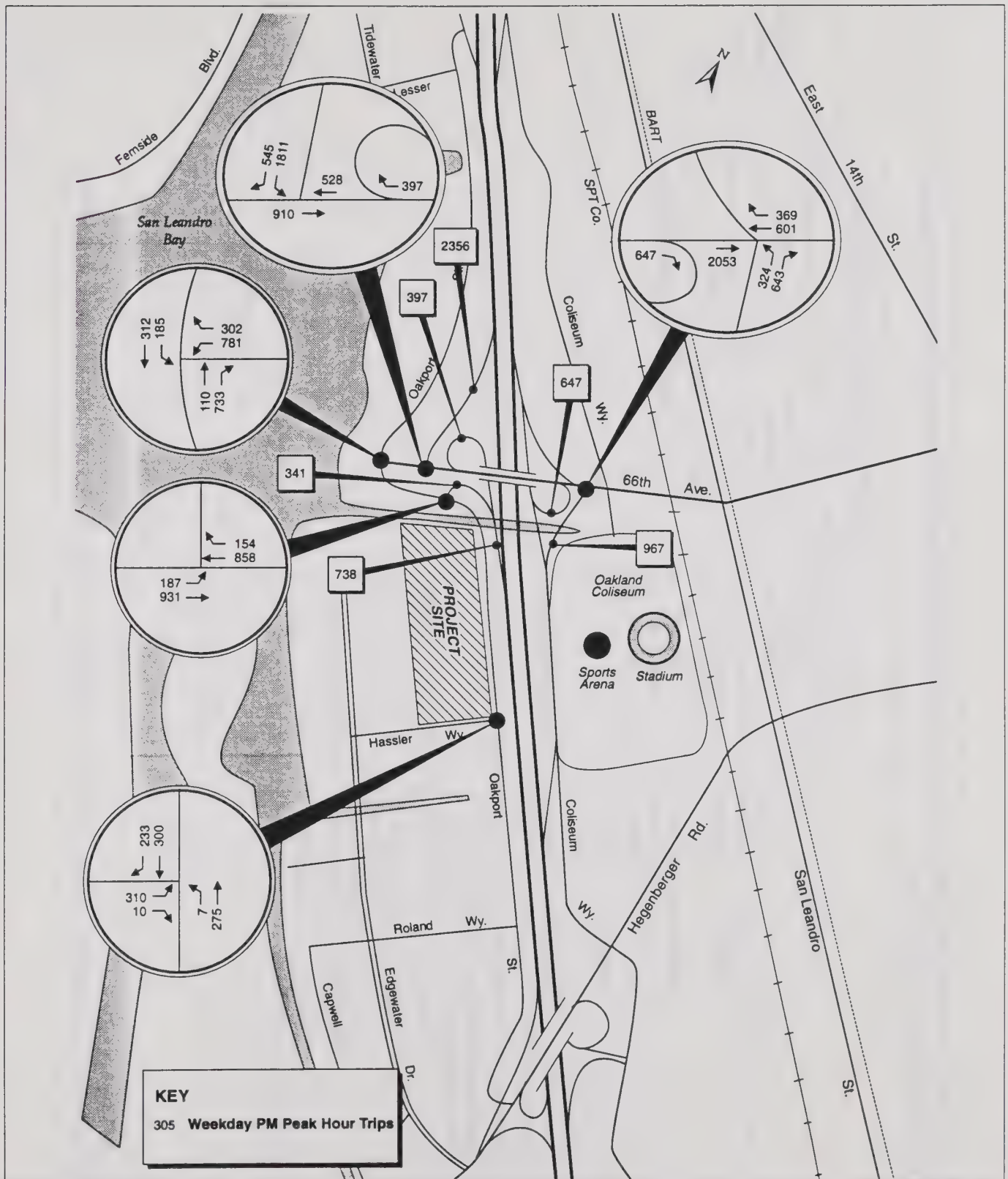


Figure 4.4.10c

2010 Cumulative Traffic Volumes (No Project)
With Cumulative Events at Oakland-Alameda Coliseum



Coliseum Shoreline / 930397 ■

Figure 4.4.10d

2010 Cumulative and Project Traffic Volumes
With Cumulative Events at Oakland-Alameda Coliseum

TABLE 4.4.7a SUMMARY TABLE OF INTERSECTION LEVELS OF SERVICE (Unsignalized Operations Method) (Continued)
 Sidestreet Stop Controlled Intersections Methodology:

			CUMULATIVE 2010 CONDITIONS							
			No Project				With Project			
			Without Coliseum Events		With Cumulative Coliseum Events		Without Coliseum Events		With Cumulative Coliseum Events	
<u>Intersection</u>	<u>Peak Hour</u>	<u>Movement</u>	<u>Reserve Capacity</u>	<u>LOS</u>	<u>Reserve Capacity</u>	<u>LOS</u>	<u>Reserve Capacity</u>	<u>LOS</u>	<u>Reserve Capacity</u>	<u>LOS</u>
1. Oakport St./Hassler Way	weekday p.m.	EB left EB right NB left	112 848 784	D(n) A A	112 848 784	D(n) A A	See Signalized Analysis(y)			
2. I-880 SB On-ramp/Oakport St.	weekday p.m.	EB left	542	A	542	A	248	C	248	C
5. I-880 NB ramps/66th Ave.	weekday p.m.	NB left NB right	See Signalized Analysis(y)							

(n) Caltrans' Peak Hour (No. 11) Signal Warrants are not met.

(y) Caltrans' Peak Hour (No. 11) Signal Warrants are met.

TABLE 4.4.7a SUMMARY TABLE OF INTERSECTION LEVELS OF SERVICE (Unsignalized Operations Method) (Continued)
All-way Stop Controlled Intersections:

			CUMULATIVE 2010 CONDITIONS							
			No Project				With Project			
			Without Coliseum Events		With Coliseum Events		Without Coliseum Events		With Cumulative Coliseum Events	
<u>Intersection</u>	<u>Peak Hour</u>	<u>Movement</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>
3. Oakport St./66th Ave.	weekday p.m.	WB approach NB approach SB approach Intersection	See Signalized Analysis(y)							
4. I-880 SB On-ramp/Oakport St.	weekday p.m.	WB approach NB approach SB approach Intersection	See Signalized Analysis(y)							

(y) Caltrans' Peak Hour (No. 11) Signal Warrants are met.

TABLE 4.4.7a SUMMARY TABLE OF INTERSECTION LEVELS OF SERVICE (Signalized Operations Method) (Continued)

		CUMULATIVE 2010 CONDITIONS							
		No Project				With Project			
		Without Coliseum Events		With Cumulative Coliseum Events		Without Coliseum Events		With (Cumulative) Coliseum Events	
<u>Intersection</u>	<u>Peak Hour</u>	<u>Delay (sec/veh)</u>	<u>LOS</u>	<u>Delay (sec/veh)</u>	<u>LOS</u>	<u>Delay (sec/veh)</u>	<u>LOS</u>	<u>Delay (sec/veh)</u>	<u>LOS</u>
1. Oakport St/ Hassler Way	weekday p.m.	8.3	B	8.3	B	9.2	B(a)	9.2	B(a)
2. I-880 Southbound On-Ramp/Oakport Street	weekday p.m.	4.1	A	4.1	A	5.6	B	5.6	B
3. Oakport St./ 66th Ave	weekday p.m.	9.7	B	9.7	B	27.4	D(a)	27.4	D(a)
4. I-880 Southbound Off-ramp/66th Avenue	weekday p.m.	8.1	B	14.3	B	9.6	B	13.5	B
5. I-880 Northbound ramps/66th Avenue	weekday p.m.	8.8	B	36.3	D(b)	10.6	B	39.1	D(b)

/a/ Analysis assumes mitigation required under existing scenarios will be in place by Year 2010. No further mitigations will be required.

/b/ Assumes a 90 second cycle for special event timing plan.

TABLE 4.4.8a SUMMARY TABLE OF RAMP LEVELS OF SERVICE

		CUMULATIVE 2010 CONDITIONS							
		NO PROJECT				WITH PROJECT			
		Without Coliseum Events		With Coliseum Events		Without Coliseum Events		With Cumulative Coliseum Events	
Intersection	Peak Hour	Volume	LOS	Volume	LOS	Volume	LOS	Volume	LOS
I-880 SB on-ramp (1 lane)	weekday p.m.	593	A	593	A	738	B	738	B
I-880 SB off-ramp (2 lanes)	weekday p.m.	919	A	2,142	C	1,133	A	2,356	C
I-880 EB to NB on-loop (1 lane)	weekday p.m.	433	A	433	A	647	B	647	B
I-880 NB off-ramp (2 lanes)	weekday p.m.	646	A	822	A	791	A	967	A

CALIFORNIA STATE COASTAL CONSERVANCY

1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470



RECEIVED

AUG 19 1994

CITY PLANNING COMMISSION
ZONING DIVISION

August 19, 1994

Oakland City Planning Department
421 14th Street, 1st Floor
Oakland, CA 94612
Attn: Anu Raud
Environmental Review Coordinator

RE: COMMENTS ON COLISEUM SHORELINE PROJECT DRAFT EIR

Dear Ms. Raud:

Thank you for the opportunity to comment on the Draft EIR for the Coliseum Shoreline Project. The State Coastal Conservancy has been very involved in implementing the San Francisco Bay Trail throughout the Bay Area in general, and near the referenced project site in particular. The Conservancy provided substantial funding to the East Bay Regional Park District (the District) for purchasing and installing the trails and bridges near the Elmhurst Canal south of the project site, and over the East Creek Channel north of the project site.

1 The open-space and pedestrian walk-way proposed along the south side of Damon Slough seems more project landscaping than public access. According to a Port of Oakland map, it is also overlaying a 25-foot easement leased from the Port by the Park District. This easement lies along both sides of the entire shoreline of Damon Slough. The proposed open-space component of the project is east of the railroad tracks, and does not appear to connect to Oakport Street, either. From reviewing the Impact Overview section, the Conservancy believes that a useful and beneficial way to actually provide public access to the San Leandro Bay and Martin Luther King Jr. Regional Shoreline would be the provision of a crossing of Damon Slough. Whether this could be done by retrofitting the existing railroad bridge surface, or cantilevering an add-on off the side of it, or installing a new, separate bike/pedestrian crossing would need to be investigated. The District could then connect to its existing trails on either side of the Slough. The City and the developer of the project could then justly claim a major role in providing one of the most needed linkages in the Bay Trail.

2 Besides allowing for alternative methods of accessing the project site, such a crossing would make an absolutely critical connection opening up a huge length of Bay Trail along both sides of San Leandro Bay. As mitigation for the massive increase in automobile traffic and hard-surface run-off pollution created by the proposed project, such a boost to the use of pedestrian and bicycle modes of transportation would seem more in keeping with the scale of those long-term significant environmental impacts. Designating a certain number of the 77 parking spaces immediately near-by as being for shoreline users would provide for public shoreline access for visitors from throughout the region, as well as nearby residents.

3

Oakland City Planning Department
August 19, 1994
Page Two

4

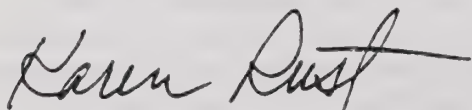
Since the spur railroad tracks, which are owned by the Port of Oakland, only serve one facility, the nearby auto-parts warehouse, the Park District has been able to make at-grade crossings for its trail on both sides of the East Creek Channel north of the project site. These crossings were approved by the Port, and did not require PUC approval, so there is recent precedence of such crossings being readily approvable and feasible.

5

One further question arises in regard to a comment by the Planning Director of the City of Alameda in her letter of April 27, 1994. She requests an analysis of a "proposed connection from 66th Avenue to Oakport Boulevard and Pardee Extension" which "should be discussed as mitigations". What is that connection, and when was it proposed? There appears to be no direct response to her request in the Draft EIR. There have been discussions in the past of connecting 66th Avenue with Edgewater Drive, but this is the first mention of Oakport (which is already connected to 66th) and "Pardee Extension" (which is either Pardee Lane, or Pardee Drive, I suppose). It would be helpful if the final EIR makes as definitive a statement of known proposals for these connections as can be elicited from the appropriate City Department.

The Conservancy looks forward to seeing the final EIR, and I would appreciate receiving notice of the meeting date for the Planning Commission's consideration and acceptance of it.

Sincerely,



Karen Rust
Project Analyst

cc: East Bay Regional Park District
San Francisco Bay Conservation
and Development Commission
Bay Trail Project

K. Responses to Comments from Karen Rust, California State Coastal Conservancy

1. The comment is noted. A 25 foot corridor along the southern bank of Damon Slough is set aside as a public trust easement from the Port of Oakland (Alta Title Report, First American Title, September 1993). This easement has not been granted to the East Bay Regional Park District (letter to James Rinehart, Office of Economic Development and Employment, from Martin Vitz, East Bay Regional Park District, October 13, 1994). Rather, the easement is in favor of the State of California.

The proposed project would preserve and enhance public access to Damon Slough within the 100 foot BCDC jurisdiction zone on the project site as described on page 3-5 of the Draft EIR. Access along Damon Slough outside the project site is not part of this project and accordingly, is not within the scope of the EIR; however, the 25-foot-wide public access easement access along Damon Slough is the most viable future public access route.

Regarding the crossing of Damon Slough, the Bay Trail segment across the slough is part of the system of existing and proposed bikeways included in the *Oakland Policy Plan*; and accordingly, the City will participate in efforts to install the remaining proposed segments of the Bay Trail. The actual crossing of Damon Slough would occur off the project site and is not part of the proposed project.

2. While the comment addresses a valid policy concern regarding bicycle and pedestrian modes of transportation, it does not address the content or adequacy of the EIR. The Bay Trail segment across Damon Slough is part of the system of existing and proposed bikeways included in the *Oakland Policy Plan*; and accordingly, the City will participate in efforts to install the remaining proposed segments of the Bay Trail. Moreover, the City is committed to comprehensive planning for public access to the waterfront and shoreline areas. The proposed project would improve bicycle and pedestrian access along Damon Slough by providing a paved trail and landscaping. As stated in the previous response to comment, the actual crossing of Damon Slough would occur off the project site and is not part of the proposed project.
3. The comment is noted. The use of parking spaces adjacent to the open space component of the project by shoreline users would be one of the issues to be negotiated by the project sponsors in their application to BCDC for a shoreline alteration permit.
4. The comment is noted. The Bay Trail segment across Damon Slough is part of the system of existing and proposed bikeways included in the *Oakland Policy Plan*; and accordingly, the City will participate in efforts to install the remaining proposed segments of the Bay Trail. The City notes that a connection to the Regional Shoreline would require a crossing of the Southern Pacific Railroad spur track and access across the 7.8-acre parcel west of the railroad track owned by the Port of Oakland. The railroad crossing of Damon Slough would occur off the project site and is not part of the proposed project.

5. There is no new connection from 66th Avenue to the airport area proposed as part of this project. The commenter is correct in noting that the connection of 66th Avenue to Oakport Street exists. (Please note that there is no Oakport "Boulevard"). Regarding some connection from 66th Avenue to the airport area (either Edgewater Drive or Pardee Drive), there is no such connection included in the *Oakland Comprehensive Plan*, and the City is not pursuing such a connection as part of its planning efforts related to the proposed Coliseum Area Redevelopment Plan. Any future proposed connection between 66th Avenue and the airport area will be subject to separate environmental review since it will likely involve fill activity in San Leandro Bay and would be subject to BCDC and U.S. Corps of Engineers regulations and standards.

EAST BAY REGIONAL PARK DISTRICT

August 19, 1994

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Mr. Stanley Muraoka
Planning Department
City of Oakland
421 14th Street
Oakland, CA 94612

SUBJECT: EIR FOR THE COLISEUM SHORELINE PROJECT
MARTIN LUTHER KING REGIONAL SHORELINE

Dear Mr. Muraoka:

The East Bay Regional Park District (EBRPD) has reviewed the subject document and offers the following comments.

- 1 | The project includes the dedication of open space which would be landscaped and developed with a trail along the northerly portion of the site adjacent to Damon Slough. The EBRPD suggests that the feasibility of such a dedication could be greatly enhanced if it includes a connection to the trail westerly (across the railroad tracks) to the existing regional shoreline trail within the Martin Luther King Regional Shoreline.
- 2 | Additionally, the EIR identifies, on page 4.10-18, the desirability of the use of native drought tolerant landscaping plants. The EBRPD strongly supports this concept. Without these alterations, the EBRPD would
- 3 | not find it feasible to undertake the management of these facilities.

Very truly yours,



T.H. Lindenmeyer
Environmental Specialist

L. Responses to Comments from T.H. Lindenmeyer, East Bay Regional Park District

1. The comment is noted. The proposed project would preserve and enhance public access to Damon Slough within the 100 foot BCDC jurisdiction zone on the project site as described on page 3-5 of the Draft EIR. Access along Damon Slough outside the project site is not part of this project and accordingly, is not within the scope of the EIR; however, the 25-foot-wide public access easement access along Damon Slough is the most viable future public access route. The City notes that a connection to the Regional Shoreline would require a crossing of the Southern Pacific Railroad spur track and access across the 7.8-acre parcel west of the railroad track owned by the Port of Oakland. These off-site actions would involve coordination and planning between the City and other involved agencies and organizations.
2. The comment is noted. Final conditions of project approval, which may or may not include the use of native drought tolerant landscaping plants, will be determined by the City of Oakland during the project approval process. To the extent that native drought tolerant landscaping plants are compatible with wetland plant species, such plants may be used within the improved open space area at the northwest portion of the site.
3. The comment addresses conditions of a possible relationship between the East Bay Regional Park District and the City of Oakland and not the content or adequacy of the EIR. Therefore, no further response is necessary.



PORT OF OAKLAND

August 19, 1994

Stan Muraoka
Planning Department
Office of Planning and Building
City of Oakland
(Hand Delivered)

SUBJECT: Response to Coliseum Shoreline Project EIR
Oakport Street Price-Costco

Dear Mr. Muraoka

Thank you for the opportunity to make comments on the Environmental Impact Report for the development of the Coliseum Shoreline Project. We fully support the project and are excited about the potential economic benefits the development will bring to the Coliseum area. We understand that Port Environmental Department staff has worked with your office regarding geology and hazardous materials, and we feel the EIR adequately addresses those areas. Following are some concerns and comments which we have after reading the draft EIR.

1 The Land Use section of the EIR fails to recognize that the area adjacent to the project is designated as "Port Area" in the Oakland Charter, and regulated by the "Oakland Airport Business Park Standards and Restrictions," promulgated by the Port of Oakland (Port). The M-40 zoning does not apply to the adjacent properties. The project site was transferred to the City of Oakland (City) jurisdiction when the parcel was transferred from Port to City ownership, and now M-40 zoning applies to the site. The Business Park is a mix of light industrial, warehouse, and office uses. Retail uses are not generally permitted within the Business Park, so this represents a land use change across adjacent property lines which should be recognized and addressed in the document. While we do not believe that these land use issues represent a significant impact, it is essential that such a document report the facts accurately.

2 We understand that there are still some concerns regarding the omission of the Hegenberger Road and High Street interchanges from the Traffic analysis. Our traffic engineer has reviewed the document, and we would be happy to meet with you to discuss ways to strengthen the analysis and address comments in this area. The Business Park would be most affected by any traffic using alternatives to the 66th Street interchange, and we feel some responsibility to those businesses to insure that the project provides positive rather than negative impacts. We are optimistic that this will be the case.

3 Finally, we are aware of input from the League of Women Voters regarding the San Leandro Bay Trail and access around the site. We support the efforts the project has made to improve public access to the shoreline, and encourage you to continue working with the community to insure the design of the best possible solution.

Please feel free to call Joe Marsh at 272-1361 to discuss the project further.

Sincerely,

Joe Marsh
Project Planning

Loretta Meyer
Supervisor, Environmental Assessment

M. Responses to Comments from Joe Marsh and Loretta Meyer, Port of Oakland

1. The comment points out an error in the Draft EIR's description of land use and zoning in the vicinity of the project site. The comment is noted. The following text replaces the third and fourth paragraphs on page 4.1-3:

"Figure 4.1.2 shows the City's *Comprehensive Plan*^k and the Port of Oakland's Land Use designations in the site vicinity. The designated land uses in this local area include residential, commercial, industrial, public/institutional, park/open space and Oakland Airport Business Park uses. The designations do not differ greatly from existing land uses in the area. The *Plan* designates land for commercial use in pockets around the Coliseum Complex, on the project site, and to the southeast of the site. Industrial areas in the *Plan* are near and between the railroads, and near Hegenberger Road. Open space uses, including park and natural uses, are designated along the shoreline. Oakland Airport Business Park uses include the UNISYS building immediately northeast of the project site and the land fronting the westside of Hegenberger Road from I-880 to Doolittle Drive.

In addition, the *Comprehensive Plan* provides guidance for the appropriate location of land uses. Related businesses are to be grouped; development is to be densest near BART stations; and, residential areas are to be located where noise levels are low. Under the Port of Oakland's Standards and Restrictions, land within its jurisdiction is to be utilized for airport-related uses only."

The following paragraph is inserted at the end of Page 4.1-8:

"Port of Oakland

The Port of Oakland is an autonomous department of the City of Oakland. By law it must follow the City charter and policies of the City's *Comprehensive Plan*. However, the Port has planning jurisdiction over its own land and is not directly subject to zoning designations of the City of Oakland. Port land in the immediate vicinity of the project includes the UNISYS building adjacent to the northeast border of the project site and the land fronting the westside of Hegenberger Road from I-880 to Doolittle Drive. Port Ordinance No.2832 establishes standards and restrictions regulating land use for the Oakland Airport Business Park Area which generally allow a mix of light industrial, manufacturing, and office uses. Retail and other commercial uses are restricted to the "sales and goods and services

^kCity of Oakland, *Comprehensive Plan*, adopted 1974, amended through 1986.

required for the convenience of occupants of the Business Park."¹

Figure 4.1.2 has been revised to reflect text changes as appropriate. This figure is included following these responses to comments from the Port of Oakland.

Correction of the above text and figure does not alter findings of significance in the EIR or require additional findings. New text and changes in Figure 4.1.2 are provided for clarification purposes only.

2. The comment is noted. Regarding project trip distribution, the principal attraction on the project site is expected to be Price-Costco. Price-Costco is a restricted membership store catering to bulk purchases. Customers would be more evenly distributed over a larger (i.e., regional) market area than would be the case for a supermarket which would draw customers from the more immediate local area. In the case of the Hegenberger interchange, it was concluded that since the project would be much closer to the interchange at 66th Avenue and that access from that interchange is less circuitous, only a negligible volume of traffic from I-880 would use the Hegenberger interchange. Hegenberger Road is also normally handles more traffic than 66th Avenue. Costco customers would be regular customers who would be expected to find that 66th Avenue provides the most efficient access from I-880.

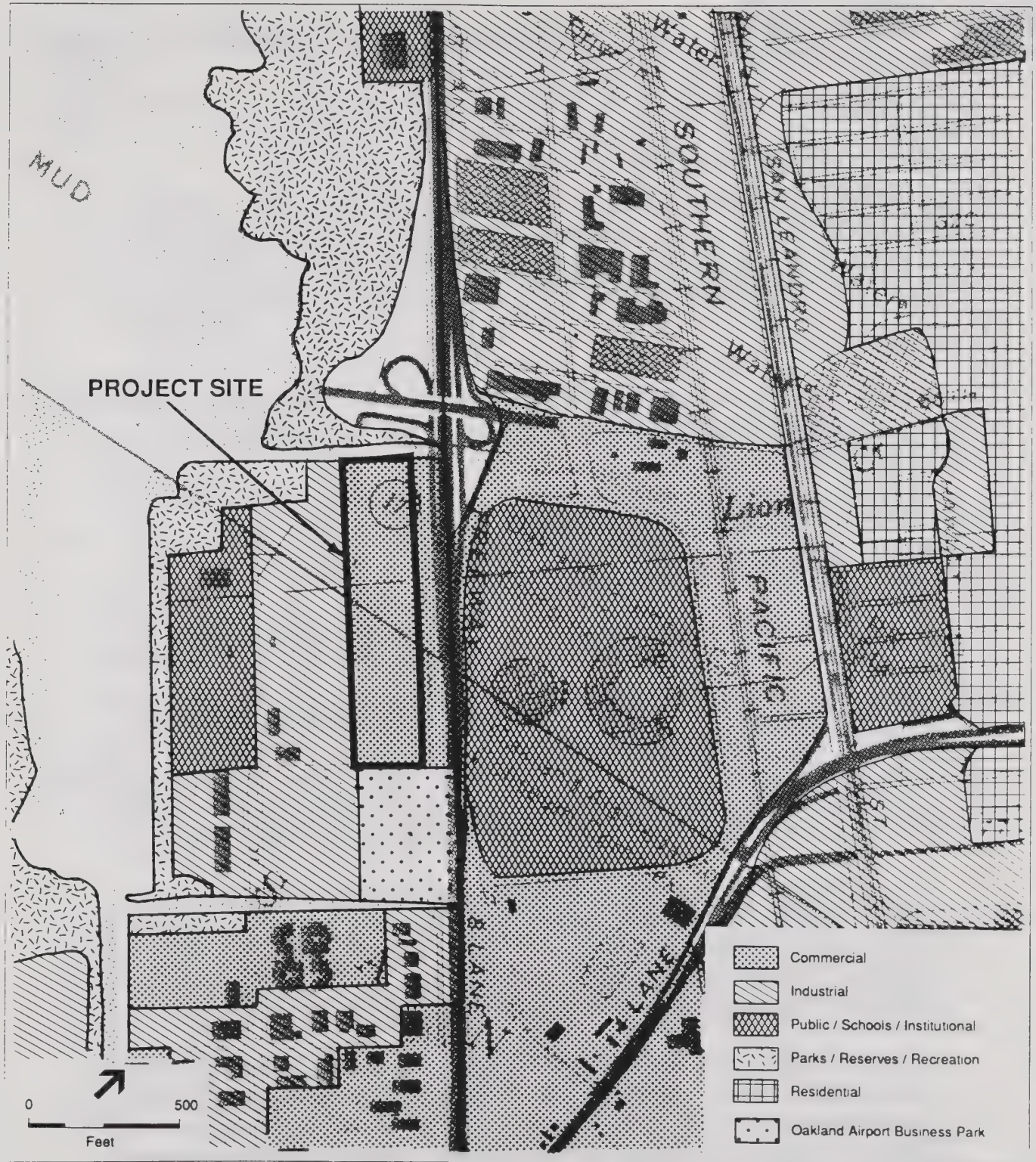
As shown on Figure 4.4.7, 3.5 percent of project traffic was assumed to access the site via Hegenberger Road. Proportionally more project traffic would use local streets to access the site via 66th Avenue.

Regarding project impact at additional study intersections, the City conducted a traffic evaluation on an expanded study area as indicated in these comments on the Draft EIR and concluded that there were no significant project impacts.

3. The comment is noted. The proposed project would preserve and enhance public access to Damon Slough within the 100 foot BCDC jurisdiction zone on the project site as described on page 3-5 of the Draft EIR. Access along Damon Slough outside the project site is not part of this project and accordingly, is not within the scope of the EIR; however, the 25-foot-wide public access easement access along Damon Slough is the most viable future public access route.

The Bay Trail segment across Damon Slough is part of the system of existing and proposed bikeways included in the *Oakland Policy Plan*; and accordingly, the City will participate in efforts to install the remaining proposed segments of the Bay Trail. Moreover, the City is committed to comprehensive planning for public access to the waterfront and shoreline areas. The actual crossing of Damon Slough would occur off the project site and is not part of the proposed project.

¹Port Ordinance No. 2832, *Standards And Restrictions Regulating the Use of Land and the Design and Construction of Structures and Other Improvements in the Oakland Airport Business Park*, September 6, 1988.



SOURCE: Environmental Science Associates

Coliseum Shoreline / 930397 ■

Figure 4.1.2
Comprehensive Plan and
Port of Oakland Land Use Designations

Stanley Muraoka
Planner II
Oakland City Planning Commission
421 - 14th Street, 1st Floor
Oakland, CA 04612

RE: ER93-49--Coliseum Shoreline Project

Dear Mr. Muraoka:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the proposed Coliseum Shoreline Project. Staff has reviewed the document and has the following comments:

4.4 Traffic, Transportation, Circulation and Parking

Price-Costco Trip Generation and Assignment

1

As stated in the DEIR, trip assignment and generation was based upon limited information provided by Price-Costco and from measurements taken at the Hayward Price Club, suggesting that the Hayward store's location, access and patronage would be similar enough to determine trip projections and assignments for the Coliseum project. While estimates based upon those assumptions may be appropriate for overall trip generation, the estimates fall short of representing an accurate picture when applied to trip assignment. Due to differences in land use and transit access, the two sites--Hayward and Oakland--are different enough to warrant further examination.

Even though the Hayward Price Club is situated along a transit corridor, the bus service provided is not frequent enough to be considered a commuting option for the employees. The Oakland store, however, will be serviced by Line 98 which offers frequent, direct service from the regional rail carrier, BART. Commuting by transit could be a viable option for the future employees of the development.

2

Further, employee trip assignments do not appear to present an accurate picture of retail employees in the area. Retail tends to offer low-paying employment which draws from local employment pools. If this pattern is realized in the employment at Price-Costco, transit will play a much greater role in employees' commuting than is represented in the trip assignment projections.

3

The shopping trips associated with the proposed project may also be significantly different than the Hayward site due to variations in land use between the two stores. The Hayward store was built over 10 years ago and has no any other major retail uses near the site's environs. The Oakland development is proposed to have other "value-oriented" retailers located at the project site which may attract a wider array of

- 3 | shoppers. While it is a valid to assert that most shoppers of Price-Costco would need their vehicles to transport large or bulky purchases, it may not be true for shoppers of other retailers such as Ross or Marshall's, located in the development. It would be more appropriate to seek information from similar developments for trip generation projections.

Transit Impacts

- 4 | We have noted that the DEIR does not adequately address the impact that the lack of transit service after 8:00 pm would have on potential employees. As such, there is no identified mitigation measure. The section simply states that because bus service does not operate beyond 8:00 pm, employees who's shift does not end by 8:00 p.m. will not take transit. The position in the EIR only serves to highlight the conditions which are conducive to Single Occupancy Vehicles. This is a short-sighted approach to Transportation Demand Management and is inconsistent with state TCM's that encourage increased transit service.

- 5 | While the overall impact that the lack of transit service has on all of the trips generated by the project may be low, the impact to potential employees may be quite high. It is not sufficient, or socially responsible to the local community, to simply acknowledge the deficiency. Rather, the City should require that the project sponsor develop funding solutions prior to construction so that this transit service will be available for both employees and shoppers.

- 6 | Developer fees for increased transit service to the site should be considered as a mitigation to this situation. This would also allow the individual retailers to draw from a larger pool of employees. Traditionally, retailing provides low paying, shift work. By increasing service, both local and regional employees will have better access to the site and will not be denied employment if they do not have access to a vehicle for their commute.

Parking

- 7 | While a shortfall of parking at the proposed site is not objectionable, adding a satellite employee lot as a mitigation would not be an acceptable mitigation. It would be a more a efficient solution for the developer to provide funding for increased bus service to the area and encourage the use of transit for the project employees. This way, employee on-site parking can be prohibited without placing any undue hardships on the employees and the developer would not be required to build an additional parking lot. An aggressive TDM marketing campaign, assisted by increased transit service directly

N

7 | connecting to a regional rail carrier, can produce far more beneficial results than a satellite parking lot.

Transportation Demand Management (TDM)

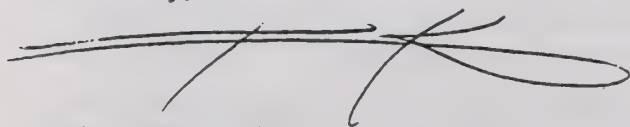
8 | While the DEIR addresses TDM in a general way, it does not fully examine the opportunities to enhance transit and increase ridership. Additionally, it does not mention increased transit service as a method for increasing transit use. Both state and federal TCM's recognize that enhanced transit service is a primary method of increasing transit market share. The DEIR does recognize the benefit of promoting transit use, but it does not suggest the implementation of transit subsidy as a method of reducing drive-alone trips.

Transit subsidy, especially for low-paid employees, can represent a significant financial incentive to take transit. Further, if employees are restricted from parking in the project lot, they may be forced to walk further than had they taken the bus. Combined, this could represent a disincentive to driving alone while helping lower the projects SOV rate and offering employees additional commuting alternatives.

9 | With regard to pedestrian access to the site, it is important to note that the suggestions that we made in our comments to the Notice of Preparation for the Draft Environmental Impact Report were not adequately considered in the document. The proposed design of the site should include pedestrian walkways on either side of Oakport Street to accommodate any future bus stop near the development. These sidewalks should be protected from traffic with controlled signals near the Oakport entrances and striped walkways on the street and in the parking lot. Additionally, sidewalks should be provided on Hassler Way should patrons decide to access the site via the bus stop on Hassler.

Once again, thank you for including AC Transit in the environmental process for this project. If you have questions with regard to these comments, please call me at 510/891-4754.

Sincerely,



Tina B Konvalinka
Senior Planner

cc. Kay Van Sickel Darton Ito Francois Njike

ref:tk6-93-49

N. Responses to Comments from Tina B. Konvalinka, Alameda-Contra Costa Transit District

1. Assessment of project trip generation in the Draft EIR derived vehicle trips directly from data collected from the Hayward Price Club. Modal split data from the Hayward store was not used to obtain vehicle trip assignments for the project analysis. Rather, it was concluded from available data that since the project would be much closer to the interchange at 66th Avenue and access from that interchange is less circuitous than from the Hegenberger Road interchange, only a negligible volume of project traffic from I-880 would use the Hegenberger interchange. Also, Hegenberger Road normally handles more traffic than 66th Avenue and therefore, regular Price-Costco customers would be expected to find that 66th Avenue provides the most efficient access from I-880.

The Oakland site is better served by public transit than the Hayward store; however, such improved service would have a more substantial effect on employee trip generation than customer trip generation. As discussed on page 4.4-46 of the Draft EIR, patrons of value-oriented retail developments generally purchase large items or many items, and thereby, need their own car or truck to transport purchases home. Notwithstanding, employee trips are not a significant portion of the total trips during peak hours since work shifts do not typically change at those times. Therefore, the Hayward store data for peak hours would be applicable and appropriate for this project.

2. As described on page 4.4-46 of the Draft EIR, project employee transit usage was estimated on the basis of current and future work trip transit usage of 12.3 percent for Oakland in general, from the Metropolitan Transportation Commission ("MTC"). The EIR judged that the use of the MTC-estimated level of transit usage was reasonable for the proposed project. If the commenter's assertion of greater transit usage by employees than forecast in the EIR were correct, then project traffic effects would be lessened somewhat from the levels presented in the Draft EIR; the Draft EIR therefore could be conservative in its assessment of project traffic effects. AC Transit Line 98, with its current passenger load factor of 0.42 passenger per seat (described on page 4.4-17 of the Draft EIR), would be able to accommodate increased employee ridership if such an increase were to occur.
3. As described on page 4.4-46 of the Draft EIR, the great majority of patrons of the project retail establishments would be expected to use private vehicles to reach the project site. As stated in the response to comment N2 above, if the commenter's assertion of greater transit usage by shoppers than forecast in the EIR were correct, then the project traffic effects estimated in the Draft EIR would be reduced in magnitude; the Draft EIR therefore could be conservative in its assessment of project traffic effects. Also, as indicated above in the response to comment N2, AC Transit Line 98 would be able to accommodate increased shopper ridership if such an increase were to occur.
4. The judgment in the Draft EIR that impacts of the lack of transit service after 8:00 p.m. would not warrant mitigation was made on the basis of the fact that traffic volumes (background and project-generated) during off-peak periods would be substantially lower than

during the peak traffic periods analyzed in the EIR. Travel by private vehicles to and from the project site after 8:00 p.m. would not generate significant traffic effects.

5. Please see the response to comment N2 above.
6. Developer fees for increased transit service would be appropriate if it were to be applied to the entire Oakland Airport Business Park and perhaps, to the Oakland airport gateway area along Hegenberger Road from I-880 to Airport Drive. The rationale for increased transit service should be to serve this larger area and not merely to serve this project site. As discussed in the response to comment N2 above, the site is adequately served by AC Transit Line 98. The requirement for developer fees is an issue that requires discussion and study by the City in conjunction with AC Transit, and the transit district must be able to demonstrate that the fees would be used to provide additional service to the project area.
7. Regarding the proposed mitigations listed on page 4.4-50 of the Draft EIR, upon project approval, the project sponsors would be required to submit a parking shortfall plan to the City for review and approval. Implementation of the parking shortfall plan will reduce the identified impact to a less than significant level. It is expected that some combination of the measures listed, including restriping the parking lot, revising the parking layout, securing parking for employees off-site, and providing Transportation Demand Management measures (such as carpools and public transit subsidies) would be submitted, each of which would offset a portion of the total forecast peak of the peak parking shortfall. As an example, restriping for compact spaces could result in a gain of 20 spaces, revising the parking layout could result in a gain of 10 spaces, providing for weekday PM and weekend employee parking at nearby paved lots such as Unisys could result in a gain of 30 spaces, permitting onstreet parking along Oakport could result in a gain of 15 spaces, and issuing subsidies to employees who use public transit could result in a gain of 10 spaces, for a total gain of 85 spaces.

The bulk of traffic that would be generated by the project would be by shoppers, not by employees. As stated on page 4.4-51 of the Draft EIR, Transportation Demand Management measures have had little success reducing big-box and value-oriented retail center auto trips. Use of an off-site parking lot for employees is one of many measures identified in Mitigation Measure 4.4-15 on page 4.4-50 of the Draft EIR. Other possible measures include redesign of on-site parking areas to increase the number of on-site parking spaces, and incentives for employees to use transit or ridesharing as commute alternatives to drive-alone private vehicles. In addition, the use of an off-site parking lot, perhaps through agreements with neighboring property owners for shared parking, would be expected to be limited to periods of peak parking demand (e.g., during holiday shopping season in December), and as such, would not be expected to occur on an on-going basis.

8. Please see the response to comment N2 regarding employee transit usage. Also, the proposed mitigation measure included on page 4.4-50 of the Draft EIR, calls for some combination of the listed measures, including Transportation Demand Management measures such as carpools and public transit subsidies.

9. It is believed the commenter's reference to previous comments to the Notice of Preparation ("NOP") for the Draft EIR is to the second bulleted comment in AC Transit's letter to the NOP that states "[t]he project area needs to provide good pedestrian access to transit stops along the perimeter of the site." As discussed on page 4.4-46 of the Draft EIR, the project would include sidewalks along the project frontage on Oakport Road and Hassler Way. Those sidewalks would provide good pedestrian access to the existing bus stops for Line 98 buses on Hassler Way, at Oakport Street.

Restoring the Bay Campaign

c/o Save San Francisco Bay Association
1736 Franklin Street, Third Floor
Oakland, California 94612
Phone (510) 452-9261
FAX (510) 452-9266

Dec-2
8.22-94
August 19, 1994

Citizens Alliance to
Restore the Estuary

BayKeeper

Bay-Delta Hearings
Coordination Project

The Bay Institute

Baylands Conservation
Committee

Citizens for a Better
Environment

Citizens Committee to
Complete the Refuge

Citizens for the Eastshore
State Park

Clean Water Fund

East Bay Citizens for Creek
Restoration

Environmental Defense
Fund

Golden Gate Audubon
Society

Greenbelt Alliance

Mann Audubon Society

Mann Conservation League

Marine Science Institute

Mission Creek
Conservancy

Mt. Diablo Audubon Society

Napa-Solano Audubon
Society

Natural Heritage Institute

Natural Resources Defense
Council

Pacific Coast Federation of
Fishermen's Associations

Peninsula Conservation
Center Foundation

Point Reyes Bird
Observatory

Santa Clara Valley
Audubon Society

Save San Francisco Bay
Association

Save San Pablo Baylands

Save Wetlands in Mayhews

Sierra Club, Loma Prieta
Chapter

Sierra Club, San Francisco
Bay Chapter

United Anglers of California

Oakland City Planning Commission
Attn: Anu Raud, Environmental Review Coordinator
Oakland City Planning Department
412 14th Street, First Floor
Oakland, CA 94612

Re: DEIR, Coliseum Shoreline Project, File SCH #94043015

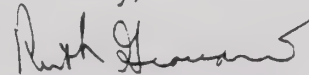
Dear Commissioners:

1 One of the eight major goals of the Restoring the Bay Campaign is to restore Bay Area wetland habitat. It has come to our attention that the Draft Environmental Impact Report for the Coliseum Project identifies as a negative impact the loss of 2.2 acres of wetlands. While this amount may seem insignificant at first, it is essential to consider that approximately 95% of the Bay's wetlands have been lost or severely degraded, and we must save every remaining acre that we possibly can.

2 We concur with the Golden Gate Audubon Society in its recommendation that this loss be compensated through the creation of a wetland restoration component – one which will provide habitat for wildlife and an educational, recreational and aesthetic amenity for residents of the area as well as for employees and customers of nearby businesses.

Thank you for considering our comments.

Sincerely,



Ruth Gravanis, Director
Restoring the Bay Campaign

O. Responses to Comments from Ruth Gravanis, Restoring the Bay Campaign

1. The comment is noted. The City is concerned about potential significant impacts on wildlife usage of the wetlands of San Leandro Bay, and has conducted rigorous biological resources investigation of the project site. Accordingly, the references in the Draft EIR regarding 2.2 acres of wetlands should be placed in the context of the location of these on-site areas and their relative value as biological habitats. It should be noted that at the City's request, the U.S. Army Corps of Engineers conducted field surveys of the site and determined that there are 0.06 acres (roughly 2,600 square feet) of regular ponding on the site.^m
2. The comment is acknowledged. The project has been modified to include a 0.37 acre (roughly 16,100 square feet) seasonal freshwater wetland project within the 100 foot shoreline band along Damon Slough. These wetlands will be adjacent to and augment the 0.24 acres of off-site wetlands already present along the south shore of the slough. This information does not affect findings of significance in the EIR and is provided for clarification purposes only.

^mLetter to the City of Oakland from Max R. Blodgett, U.S. Army Corps of Engineers, August 19, 1994.

OAKLAND PLANNING COMMISSION
EVENING SESSION, JULY 20, 1994
ITEM #8

Director James introduced the public hearing.

Jackie Frank: Good evening, Mr. Chair. Jack Frank, Price - Costco, 14040 221st Avenue NE, Woodenville, Washington. I guess the item before you tonight is the EIR, and this is the opportunity for the public to provide testimony and comments on the environmental document....

Chair DeLuca: That is correct.

Frank: From our perspective, we certainly welcome any testimony and invite all comments and urge the public to provide those comments. We would save the bulk of our presentation for the second item, which is the project conditional use permit, so at this point I would just say thank you and certainly encourage the public testimony.

DeLuca: Just a second, Mr. Frank. Commissioner Rowe, did you have a question to direct to Mr. Frank at this point? Or do you want to wait....for the EIR consultant? Very good. Thank you Mr. Frank.

Frank: Thank you, sir.

DeLuca: The next speaker please.

Maria Banico: The next speaker is Steve Mattas.

DeLuca: Good afternoon, sir. Would you identify yourself, please?

Steve Mattas: Yes. My name is Steve Mattas, I'm with the City Attorney's office in San Leandro, and I'm here on behalf of the City of San Leandro.

DeLuca: You are an attorney yourself in the City Attorney's office?

Mattas: I am. I'm the Assistant City Attorney, sir. On behalf of San Leandro, we just have a couple of comments on the environmental impact report. The Planning Director would also like to speak to just a couple of issues too. And these are offered as information that we weren't able to ascertain or fully understand from the EIR.

1 | The first one relates to the issue of traffic and how its analyzed in the document. And we're curious as to the focus on the use of 66th Avenue as the primary street access and the lack of analysis that relates to possibly Hegenberger as an access or even High Street and then along the frontage road back into the Oakmart (sic) Drive. And so, the real question we have on that is that we don't really understand the methodology on that. It doesn't appear to be laid out fully in the EIR and we would ask for some clarification

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1 | on that.

2

The second issue that we raise relates to the geophysical analysis in the document. And that is related to one of the mitigation measures that indicates that for seismic harms at the site, you would look to the policies set forth in your seismic safety element of your General Plan. And the documents that we've received from staff that, together, compose your General Plan, the seismic analysis in that doesn't appear to be very detailed or lengthy. And so we would ask for some additional clarification on that. I would add, just parenthetically, that the City will provide a written letter with a greater explanation that I think will facilitate the staff's understanding of our concerns also.

DeLuca: When you say "the City's explanation," you are referring to the City of Oakland or the City of San Leandro?

Mattas: No. The City of San Leandro will provide written comments also, in addition to our comments tonight. But we thought that, for the purposes of your environmental consultant beginning his analysis, we would kind of let you know, generally where our concerns were.

DeLuca: Do you feel that those questions could be clarified this evening by the project consultant, environmental consultant? Or do you want to wait until the comment period is closed?

James: Mr. Chair. We would prefer to simply hear the concerns and then have the consultant address it in writing as part of the Responses to Comments.

DeLuca: Very good. Then that's how it will be done. Thank you.

3

Mattas: That's fine. As the City Attorney who sits with the Planning Commission, I would concur completely with that. (Laughter) The last comment we have relates to the cumulative impacts analysis in the document. What concerns us on that is that if you look at the cumulative impacts analysis related to traffic there is, in addition to the Price-Costco project, five or six other projects, including the airport expansion plan, that are identified as potential other projects that are included into the traffic analysis, or at least purportedly included in it. But if you look in the traffic section of the document, the only additional project that's identified as part of the cumulative analysis, or total impact, well there's only one of the five projects. I can't recall off the top of my head what it is. And so I would ask that there be a check as to the consistency between the cumulative impacts analysis and the traffic analysis, and if there is some explanation of why they don't appear to be consistent

3 | then that's what we would be looking for. And that's all the comments I have.

DeLuca: Thank you Mr. Mattas. Would you call the next speaker, please?

Banico: The next speaker is June Catalano.

4 | June Catalano: My name is June Catalano. I'm the Director of Development Services for the City of San Leandro. Thank you for the opportunity to address this EIR. The City has a number of significant concerns regarding the document. In particular, the EIR does not address problems with the existing Oakland General Plan. The Plan has not been updated for some time and does not reflect existing conditions, nor does it meet State planning law. The EIR completely ignores the status of the General Plan, merely reciting a few policies. The Land Use Plan was last updated in 1980. The Circulation element, which we feel is very relevant to this project, was last done in 1974. The Noise element, again which we feel is relevant, was done in 1974. And the Seismic Safety element, as indicated by our City Attorney, is not a complete element and has not been dealt with since 1980. It is, as far as we can ascertain, included within the Policy Plan that was done in 1980. We understand that there is a current effort underway to update the General Plan and that this will produce a new Land Use and Circulation element within two years. As we will note in more detail when we submit our written comments, we believe that at the very least the EIR should incorporated a full discussion of the status of the General Plan and be re-circulated to give the various respondents a chance to address this issue.

5 | More particularly, and I will address this comment not only to this item but also to the conditional use permit, we feel that this is an intensive and critical commercial land use which should be judged in light of a General Plan that has been updated to meet State law. We believe that the project should not be approved until the General Plan update has been adopted by the City Council. That concludes my comments and I would be happy to answer any questions.

DeLuca: Are there any questions for Ms. Catalano by any members of the Commission or staff? Thank you for a well-stated narrative. Thank you. Mr. James?

James: For the record, I just want to indicate that our existing....it is true that our General Plan is being updated but, for the record, our existing General Plan does meet the requirements of State law.

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DeLuca: Thank you. And I'm sure that the record will so reflect. The next speaker, please.

Banico: The third speaker is Pamela Clark.

Pamela Clark: Thank you. My name is Pamela Clark, and I'm here tonight on behalf of the League of Women Voters of Oakland. We're not prepared to make a statement this evening, we plan to submit one in writing. However, we wanted to go on record as being interested in the project. We'd like to be kept informed of the proceedings.

6 | I have two specific questions about the Traffic section. One has to do with the analysis of the traffic. It was based, if I recall correctly, on a store in Hayward. And I was interested in whether that store was, how it related in terms of its business, the business load, the number of people coming there, how it related to the store that's closing, the San Leandro store, since one could reasonably assume that the business at the current San Leandro store would be perhaps the bulk of what might occur at the Oakland site, since it's so close. So I was just curious about that.

7 | And also, I think I saw in the back where the City of Alameda has some concerns, and I don't recall seeing them addressed. Those were with relation to traffic.

8 | And also in the cumulative impacts section, the projects were listed and I also noted the discrepancy, if you will, that the other speaker raised. But also in terms of other projects coming down the road that could affect the traffic on 880....It would seem that the conversion of the base in Alameda, and whatever use that's put to in the future, could conceivably have impacts as well and that perhaps might be considered in that cumulative impacts analysis.

The League will plan to have written comments by the deadline. Thank you.

DeLuca: Excuse me, Ms. Clark. Are there any questions for Ms. Clark? Ms. Clark, in as much as you have prepared and submitted a Speaker's Card, you will be informed. Next speaker, please.

Banico: There are no more speakers for this item.

DeLuca: Thank you. The oral comment period....Commissioner Rowe?

Commissioner Rowe: I have a couple of questions for the EIR consultant, if he could come up and maybe answer....I'm trying to find something in the EIR, are they here? You are! I knew you

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were here someplace. I'm not sure that I need an answer today, but you might want to just respond in the Final.

DeLuca: Would you please state your name for the record, sir?

Dan Wormhoudt: Yes. I'm Dan Wormhoudt. I'm the project manager for the EIR from ESA.

9

Rowe: In the back of the document, on Figure 5.1, Alternate (sic) 2 Site Plan, there's a note. It says "Alternate (sic) 2 Site Plan would be revised to avoid existing wetlands. No fill would be placed in identified wetlands under the alternative." Then I go back to page....well, I'm under Summary 2.1 of the Impacts and Mitigations, and I look under Biological Resources, where I think its talking about the results of fill on these existing wetlands and they say that the impact would be less-than-significant. I have never, in my history as an architect, been able to fill in wetlands without a significant impact, and I'd like to know how this project can do it.

Wormhoudt: The Draft EIR provides a discussion in support of that finding....

Rowe: That's what I couldn't find.

Wormhoudt: But we will, we can certainly address that question at greater length in the Final.

10

Rowe: Okay. Because it will make a difference in how large this project is, where it is sited on the site, in terms of review by this Commission. And if this is an area where the project will not be allowed to build because of the Corps of Engineers, I would like to know that now before we go through any further review of the project itself. I mean we can review the project tonight, but as it goes through its various stages of review, this is some information that I think we need to know as part of the project development.

Wormhoudt: If you'd like, I can provide a general response....

Rowe: Okay, that might help.

Wormhoudt: Although I think this is something that perhaps should get further discussion in the Final. The question of Corps jurisdiction is a separate question from the question of significant effect....

Rowe: Yes, I agree. That's why I said that I have two questions.

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Wormhoudt: The value of the wetland may be so low that whether or not the Corps asserts jurisdiction, the filling of the wetland would not result in significant impacts such as loss of habitat, or valuable habitat. The EIR findings, supported by the work of two consultants, is that the quality of the wetlands on site is so low that their filling would not result in significant effect. The question whether these wetlands are subject to Corps jurisdiction is another issue.

11

Rowe: Okay. The second part of that question, jurisdiction here, my understanding is that along the creek to the north side of the site, there is jurisdiction by BCDC. There may or may not be Corps jurisdiction along the wetland....is there also Fish and Game jurisdiction here?

Wormhoudt: To the best of our knowledge, no.

Rowe: Okay, so that's why that wasn't stated in the EIR?

Wormhoudt: That is correct.

Rowe: Okay. Thank you.

Commissioner Lee: Mr. Chair, I have a question since we're talking about wetlands in here.

DeLuca: Commissioner Lee, I believe that Commissioner Jaquez had asked for the floor previously.

Lee: Oh, go ahead.

DeLuca: Commissioner Jaquez.

Commissioner Jaquez: This is on another topic. I was interested on the....

Lee: Can I ask him about wetlands first maybe?

Jaquez: Sure.

Wormhoudt: Pardon me?

12

Lee: I have a question about the wetland in here, in this report. Maybe you have it in your report, I couldn't find it. Is the wetland there before the railroad track was built, or was the wetland created by the railroad track?

Wormhoudt: The wetlands on site are man-induced. They are the, in

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effect, the accidental result of the creation of a drainage feature on the site. It is by no means a rare occurrence for features that have been excavated in areas that are low-lying around the edge of the Bay, to support temporary communities of wetland vegetation.

Lee: And that railroad track has nothing to do with it, actually?

Wormhoudt: I'm not....I think probably one of our biologists should address that question, because I don't feel qualified to tell you what the exact role of the railroad embankment in this issue is.

Lee: Alright, thank you. That's my question. Thank you, Commissioner Jaquez.

DeLuca: Thank you, Commissioner Lee. Commissioner Jaquez.

13 Jaquez: Yes, I have a question, or would like some more information on the analysis of public transit. I looked in this report, and what I could see is the analysis is done around the perimeter of the project. But I would hope that we could encourage the developer to speak with, or work with, public transit in order to have, you know, it more accessible. That's about the extent that the analysis does. I'm sure that our neighbors, neighboring cities, would also like for their people to come and use this facility also. So I would also like to see how access could be brought in from Alameda and San Leandro and San Lorenzo, and....wherever.

Wormhoudt: That's a fair question for Mr. Frank although, typically, big box retail stores attract people who use their own vehicles, because it's difficult to take a sofa home on the bus....so big box retail...

Jaquez: You could move to Japan.

Wormhoudt:big box retail developments are generally large generators of private vehicle trips. Jackie, do you want to....?

Jaquez: You don't really need to answer that now, that's just one of the things I would like for you to consider.

DeLuca: You want that to be part of the written reply?

Jaquez: I would like the opportunity for people to have access, because we have access, very good access in Oakland, I think generally, in most places.

Wormhoudt: We will certainly take that under advisement for the Final.

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DeLuca: Thank you.

Lee: It could be for employees.

DeLuca: Commissioner Rowe, I believe you have another item to address.

14 | Rowe: I have one more issue, and I'm not sure that you need to address this. This is a question about the interface between the EIR review and our project review. But again, I'm going to go back to Figure 5.1, which is Alternate 2 Site Plan, and it shows a different egress and exiting, ingress and egress, to....off of Hassler Way into the loading dock for the Costco building, and my question is if this design, the way in which the building is accessed, turns out to be our preferred alternative, has it been addressed adequately in the EIR so if we choose to make this our preferred alternative we don't need to come back and amend the EIR?

Wormhoudt: I think....

Rowe: The traffic part of it?

Wormhoudt: That's a difficult question to answer....

Rowe: Okay. Well, you don't have to answer it. I would like the EIR to....

Wormhoudt: So, I'm delighted to be relieved of the need to answer it tonight.

Rowe: Yes, okay, that's fine. Thank you, that's what I'm trying to say.

DeLuca: She's going to give you time to reflect on it.

Rowe: Okay, thank you.

DeLuca: Are there any other questions?

15 | Rowe: I have one last one. When I first moved to the Bay Area, I did an environmental impact report for San Leandro Bay for the Bay Shoreline that goes continuously around the Bay. The fellow I was working with made me ride my bicycle with him all the way around eight miles of this bay, so that I intimately got to know every piece of it. Arrowhead Marsh that's out there is a wonderful asset to the surrounding area. As you go along the creek, how is access addressed if you're not in a car, to get from the shoreline path back to and across, parallel with Oakport Street? Or do you continue up the creek....? I just wondered if it is addressed in

15 | the EIR.

Wormhoudt: The EIR does not address the specific alignment....

Rowe: Access.

Wormhoudt: Well it addresses access in the sense that....

Rowe: It's the access I would like the EIR to address of how you get from one side of the creek to the other if you're on a bicycle and you don't want to go....or how do you get to the street, or its just the circulation you get from one side to the other....of the creek?

Wormhoudt: We can address that issue in the Response to Comments.

Rowe: Okay, great. Because that was one of the toughest places to get across. Okay? Thanks.

Wormhoudt: Yeah. Okay.

DeLuca: Any other comments for the speaker? Any other questions from the Commission? Mr. James, do you have a question?

James: No, Mr. Chair. I would simply recommend that you would close the public, oral testimony portion of the....

DeLuca: That's about what I'm going to do, Mr. James. I even wrote it down.

James: I was going to also simply remind others that the written comment deadline is August the 19th.

DeLuca: Okay, very good Mr. James. Members of the Commission, members of the public, the oral portion of the public hearing on the Draft EIR is now closed. The written comment period is extended to no later than Friday, August 19th, 1994. Thank you, and I wish to thank each and every one for your participation on this item.

P. Responses to Verbal Public Hearing Comments

1. Response to comment by Steve Mattas, Assistant City Attorney, City of San Leandro:

Project studies for the Coliseum area (e.g., Coliseum Area Development Program Technical Reports dated September 1982, Coliseum Area Redevelopment Plan Administrative Draft EIR dated February 1987, Oakland-Alameda County Coliseum Expansion dated December 1989, Oakland Coliseum Arena Administrative Draft EIR dated July 1992) indicate that much of the traffic headed towards the Oakland Airport Business Park flows through the 66th Avenue and Hegenberger Road interchanges, as does traffic headed to the Coliseum Complex.

For the EIR, it was concluded from available data that since the project would be much closer to the interchange at 66th Avenue and access from that interchange is less circuitous than from the Hegenberger Road interchange, only a negligible volume of project traffic from I-880 would use the Hegenberger interchange. Also, because Hegenberger Road normally handles more traffic than 66th Avenue, regular Price-Costco customers would be expected to find that 66th Avenue provides the most efficient access from I-880.

Due to travel distances, traffic from the southern end of Alameda and the northern end of Bay Farm Island would use Oakport Street to access the project rather than the Doolittle Drive to Hegenberger Road route. A small volume of project-related traffic from the High Street area east of I-880 would also use Oakport Street. Some project traffic would use the I-880 ramps at High Street. However, because of traffic along High Street, it was anticipated that as regular customers become familiar with available routes, the majority of project-related traffic from the High Street area east of I-880 would access the site by way of 66th Avenue.

2. Response to comment by Steve Mattas:

It is believed that the commenter is referring to Impact 4.5-3 and its mitigation. The complete mitigation measure on page 4.5-17 of the Draft EIR is as follows:

"To address potential seismic hazards including groundshaking, the project shall conform to the policies of the Safety & Seismic Safety Element of the Oakland Comprehensive Plan, and shall implement all standard conditions of approval regarding geotechnical issues."

This mitigation measure adequately addresses the identified impact because while the safety and seismic safety policies of the *Comprehensive Plan* sets forth general guidelines for the project such as the inclusion of the most current seismic design, the implementation of applicable policies would occur through application of specific recommendations as determined by a site-specific geotechnical investigation. The mitigation measure, if adopted by the Planning Commission as a condition of project approval and effectively implemented, will provide the City with reasonable assurances that related potential significant impacts will be reduced to less than significant levels or eliminated.

3. Response to comment by Steve Mattas:

The traffic analysis, takes into account known cumulative developments in addition to project traffic, including those projects listed on page 6-2 of the Draft EIR, with two exceptions: (1) the Fruitvale BART Project already is included as a project within the Coliseum Area Redevelopment Plan; and (2) the BART-Oakland Airport Intermodal Connector Project is not included because useable traffic generation data for the project is not yet available. Other cumulative developments that were included were the development of the American Can Facility site and development at the Del Monte Cannery site.

Freeway growth was based on ABAG *Projections '90* and amounted to 13.2 percent by the Year 2010. *Projections '90* data did not account for the current recession and therefore, the projections for Year 2010 are higher than the more conservative estimates in ABAG *Projections '94*. Therefore, the City conducted a census tract and traffic zone^a evaluation and compared the two sets of Year 2010 projections, one based on *Projections '90* and the other based on *Projections '94*, with data on approved projects and those known to be undergoing environmental review. This evaluation resulted in a finding that the 13.2 percent growth rate accounts for development of the Coliseum Area Redevelopment Plan, and retail development at the American Can and Del Monte sites. To avoid double-counting, only traffic from special generators such as the Airport Development Program and the Coliseum Complex expansion was added to establish the 2010 cumulative volumes. Proposed project traffic was then added to these volumes.

4. Response to comment by June Catalano, Director of Development Services, City of San Leandro:

CEQA *Guidelines* Section 15125(b) stipulates that "the EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans." The Draft EIR includes adequate analysis of project consistency with all adopted elements of the *Oakland Comprehensive Plan*. Evaluation of the adequacy of the *Comprehensive Plan* is beyond the scope of this project EIR. Also, see the response to comment P5 below.

5. Response to comment by June Catalano:

Discussion of the general plan update process and any resultant general plan amendments would not affect the adequacy or findings of the EIR. The purpose of the EIR is to provide a sufficient information base for City use in establishing requirements or conditions of approval with respect to finalizing project design, construction, and operational characteristics, and for City identification of the conditions of preliminary project approval necessary to ensure that the various significant adverse impacts on the environment are either mitigated to less than significant levels, or accepted in light of other overriding considerations. The EIR clearly and adequately discloses and describes the significant adverse environmental impacts of the project and includes mitigation measures which, if adopted by the Planning Commission as conditions

^aTraffic analysis zones for the City of Oakland as established by the Alameda County Congestion Management Agency.

of project approval and effectively implemented, will provide the City with reasonable assurances that related significant impact potentials will be reduced to less than significant levels or eliminated.

6. Response to comment by Pamela Clark, League of Women Voters:

Trip generation data from the San Leandro store was not available at the time of publication of the Draft EIR, and therefore, the Hayward store was considered to be the closest comparable facility with known data. Since publication of the Draft EIR, Price-Costco has provided trip generation survey results for the San Leandro store. These survey results are significantly lower than the project trips in the EIR for the Oakland site. The San Leandro store generates about 3.45 trips per thousand square feet during the weekday PM peak hour compared to 5.29 trips per thousand square feet for the Hayward store. Therefore, use of the trip generation rate for the Hayward store has resulted in a conservative EIR analysis. Price-Costco anticipates increased patronage at the Oakland site that would be more akin to the Hayward store because the new site would more adequately serve Oakland, would be more equidistant from competing Price-Costco stores, would provide immediate visibility from the I-880 freeway, and would be nearly 30,000 square feet larger than the existing San Leandro store.

7. Response to comment by Pamela Clark:

It is believed that the commenter is referring to the April 27, 1994 letter from the City of Alameda commenting on the Notice of Preparation. The EIR addresses all of the concerns listed in the letter which are relevant to a clear and adequate assessment of the significant environmental impacts of the project and the identification of mitigation measures that, if effectively implemented, will provide the City with reasonable assurances that related significant impact potentials will be reduced to less than significant levels or eliminated. However, the following is provided for clarification purposes only and does not alter findings of significance in the EIR. Also, see the response to comment P8 below.

Regarding project impact at additional study intersections including those cited by the City of Alameda in its April 1994 letter, the City conducted a traffic evaluation on an expanded study area as requested in these comments to the Draft EIR and concluded that there were no significant project impacts.

Regarding some connection from 66th Avenue to the airport area (either Edgewater Drive or Pardee Drive), there is no such connection included in the *Oakland Comprehensive Plan*, and the City is not pursuing such a connection as part of its planning efforts related to the proposed Coliseum Area Redevelopment Plan. Any future proposed connection between 66th Avenue and the airport area will be subject to separate environmental review since it will likely involve fill activity in San Leandro Bay and would be subject to BCDC and U.S. Corps of Engineers regulations and standards.

Regarding the potential for overburdening Hegenberger Road, the principal attraction on the project site is expected to be Price-Costco. Price-Costco is a restricted membership store catering to bulk purchases. Customers would be more evenly distributed over a larger,

regional market area than would be the case for a supermarket which would draw customers from the more immediate local area. In the case of the Hegenberger interchange, it was concluded that since the project would be much closer to the interchange at 66th Avenue and that access from that interchange is less circuitous, only a negligible volume of project traffic from I-880 would use the Hegenberger interchange. Also, because Hegenberger Road normally handles more traffic than 66th Avenue, regular Price-Costco customers would be expected to find that 66th Avenue provides the most efficient access from I-880.

As shown on Figure 4.4.7 of the Draft EIR, 3.5 percent of project traffic was assumed to access the site via Hegenberger Road. Proportionally more project traffic would use local streets to access the site via 66th Avenue.

8. Response to comment by Pamela Clark:

The traffic analysis took into account known cumulative developments, including those projects listed on page 6-2 of the Draft EIR, with two exceptions: (1) the Fruitvale BART Project already is included as a project within the Coliseum Area Redevelopment Plan; and (2) the BART-Oakland Airport Intermodal Connector Project is not included because useable traffic generation data for the project is not yet available. Other cumulative developments that were included were the development of the American Can Facility site and development at the Del Monte Cannery site.

CEQA *Guidelines* section 15130 requires consideration of reasonably foreseeable projects, including projects currently undergoing review. Accordingly, this EIR has included projects for which Notices of Preparation have been issued. The base conversion in Alameda, however, is only in the initial planning stages at this time.

9. Response to comment by Judy Rowe, Planning Commissioner:

The statement on page 4.10-6 of the Draft EIR (Biological Resources section) regarding 2.2 acres of wetlands should be placed in the context of the location of these on-site areas and their relative value as biological habitats, as described in the project site description on pages 4.10-1 to 4.10-6 and the impacts and mitigations discussion on pages 4.10-20 to 4.10-22. On the basis of its value as a biological habitat, the EIR correctly identifies the impact of the project on the 2.2 acre wetland area as less than significant. Alternative 2 was included in the Draft EIR as a "mitigated" alternative to address the possibility of having the U.S. Army Corps of Engineers find the 2.2 acres to be jurisdictional wetlands. Also, see the response to comment P10 below.

10. Response to comment by Judy Rowe:

Since the publication of the Draft EIR, the Corps, at the City's request, has conducted field surveys of the site and has determined that there are 0.06 acres (roughly 2,600 square feet) of regular ponding on the site. According to the Corps, "fill placed in this 0.06 acre wetland, that are above the headwaters, will likely qualify for Department of Army authorization under nationwide permit #26 for impacts of less than on [sic] acre (33 CFR 330 Appendix A (b)

(26)) pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). So long as impacts to the aquatic ecosystem are minimal and all conditions listed in the enclosure are met, notification to the Corps of Engineers requesting written verification that such fill is authorized under the nationwide permit is optional."° Based on this determination, the project as proposed can be built without obtaining written authorization from the Corps. Alternative 2 becomes a reduced intensity project. Inclusion of the above text does not affect findings of significance in the EIR and is provided for informational purposes only.

11. Response to comment by Judy Rowe:

As described on Draft EIR page 3-8, BCDC has jurisdiction over the slough itself and a "zone of shoreline extending 100 feet inland from the line of highest tidal action." The Corps of Engineers and the California Department of Fish and Game would have jurisdiction over any development activity within the slough, as indicated on page 3-9. Also, as indicated in the response to comment P10 above, the 0.06 acres of regular ponding on the site is within the jurisdiction of the Corps.

12. Response to comment by Yui Hay Lee, Planning Commissioner:

As described in the Biological Resources section of the EIR, the site and its surroundings have historically been a salt marsh upon which there has been continuing fill activity "since 1950 when the first fills were placed on-site for the construction of I-880" (Draft EIR page 4.10-3). It is unknown when the railroad tracks were constructed; however, it is reasonable to ascertain that the tracks were laid down after the commencement of fill activity. Since the construction of the railroad tracks, the Port of Oakland continued fill activity on the site. After placement of fill, it was graded for drainage purposes; however, wetland characteristics have developed within the man-made settling basins and non-tidal ditches on the western half of the site, near the railroad tracks. The formation of wetland characteristics within these relatively low elevation drainage areas would not be considered uncommon, particularly where settling and percolation basins are present. The information above is provided for clarification purposes only and does not alter findings of significance in the EIR.

13. Response to comment by Dolores Jaquez, Planning Commissioner:

The EIR includes a discussion of AC Transit service in the project vicinity. As shown on Figure 4.4.4 of the Draft EIR, AC Transit Line 98 travels along Oakport Street and Hassler Way along the boundary of the project. AC Transit Line 98 has a current PM peak average passenger load factor of 0.42 passenger per seat and would be able to accommodate increased ridership due to the project. However, as described on page 4.4-46 of the Draft EIR, because of bulky purchases, the great majority of patrons of the project retail establishments would be expected to use private vehicles to reach the project site. If, as the commenter indicates, there were to be greater transit usage by shoppers than forecast in the EIR, then the project

°Letter to the City of Oakland from Max R. Blodgett, U.S. Army Corps of Engineers, August 19, 1994.

traffic effects estimated in the Draft EIR would be reduced in magnitude; the Draft EIR therefore could be conservative in its assessment of project traffic effects.

Regarding increased accessibility to the site, the project would include sidewalks along the project frontage on Oakport Road and Hassler Way (page 4.4-46 of the Draft EIR). Those sidewalks would provide good pedestrian access to the existing bus stops for Line 98 buses on Hassler Way, at Oakport Street. Provision of additional accommodations for public transit are possible, such a sheltered bus stop or the routing of buses onto the site; however, these on-site improvements will require negotiation between the project sponsors and AC Transit along with modifications of the site plan.

14. Response to comment by Judy Rowe:

Alternative 2 represents a less intense development than the proposed project and although there would be modifications to access (i.e., project driveways) and internal circulation, the alternative would not result in impacts not already identified for the proposed project, and some of the identified impacts would be of a reduced magnitude due to the reduction in development (219,000 gross square feet rather than 250,000 gross square feet). The Draft EIR description of the mitigating effects and adverse impacts associated with this alternative is adequate in meeting CEQA requirements.

15. Response to comment by Judy Rowe:

The proposed project would preserve and enhance public access to Damon Slough within the 100 foot BCDC jurisdiction zone on the project site as described on page 3-5 of the Draft EIR. Access along Damon Slough outside the project site is not part of this project and accordingly, is not within the scope of the EIR; however, there is a 25 foot corridor along the southern bank of Damon Slough that is set aside as a public trust easement from the Port of Oakland (Alta Title Report, First American Title, September 1993). This easement is the most viable future public access route to the shoreline. Such a connection to the shoreline would require a crossing of the Southern Pacific Railroad spur track and access across the 7.8-acre parcel west of the railroad track owned by the Port of Oakland. The railroad crossing of Damon Slough would occur off the project site and would involve coordination and planning between the City and other involved agencies and organizations.

Regarding the crossing of Damon Slough, the Bay Trail segment across the slough is part of the system of existing and proposed bikeways included in the *Oakland Policy Plan*; and accordingly, the City will participate in efforts to install the remaining proposed segments of the Bay Trail. Moreover, the City is committed to comprehensive planning for public access to the waterfront and shoreline areas. The actual crossing of Damon Slough would occur off the project site and is not part of the proposed project.

IV. STAFF INITIATED TEXT CHANGES

NOTE: This section of the document contains staff-initiated text changes to the Draft EIR, reflecting necessary additions and corrections initiated by staff to correct the Draft EIR text. These text changes are incorporated as part of the Final EIR. Where a text change is made as part of a response to a public comment, the text change will be found within the response to the comment in Section III.

A. Discussion of Existing Zoning

The following discussion of existing zoning was inadvertently omitted from the Draft EIR and is inserted as page 4.1-6a. This text discussion is provided below for clarification purposes only; its substance does not change any analyses or conclusions reached in the Land Use and Policy Section of the Draft EIR and is partly contained in the discussion provided on page 4.1-8 of the Draft EIR under the City of Oakland Zoning Ordinance.

"The area in the vicinity of the project site is included in various industrial, commercial and residential zones, as shown on Figure 4.1.3. Industrial zoning, which covers more than half the land in the area, occurs along the shore and railroads and on both sides of San Leandro Street. Residential zoning in the site vicinity is limited to an area between San Leandro and East 14th Streets. Commercial zoning includes the Coliseum Complex area and extends along Hegenberger Road. The Zoning Ordinance does not have a category for open space uses.

Industrial zoning is in the same areas as industrial land use designations in the *Comprehensive Plan* and includes three specific types of industry. The M-20 Light Industrial zone allows commercial uses, light manufacturing and offices. This zone is intended for use adjacent to residential areas. The M-30 General Industrial zone allows for all uses allowed in the M-20 zone, plus agriculture, construction sales, auto service, transport and warehousing. This zone can accommodate most types of industrial uses and is appropriate for many types of manufacturing. The M-40 Heavy Industrial zone, the largest industrial zone in the area, generally applies to industrial lands south of San Leandro Street. All uses allowed in the M-20 and M-30 zones are allowed in M-40, with the addition of scrap operations.

Commercial zoning allows for both retail and office development. The C-36/S-4 zone is the predominant commercial zone in the project vicinity.³ Besides this zone, there are two pockets of land zoned C-40/S-4. The C-36 Boulevard Service Commercial zone allows offices and travel accommodations. It is a specially designed zone, meant to encourage large scale and airport-related retail and business uses along Hegenberger Road and around the Coliseum. The C-40 Community Thoroughfare zone allows retail and wholesale establishments and residential development according to R-70 guidelines. Two parcels with C-40 zoning are located in the vicinity of the project site. (See Figure 4.1.3.)

Residential zoning generally matches the residential designations in the *Comprehensive Plan*. All residential zoning in the project vicinity is either R-50 or R-70. The R-50 Medium Density Residential zone allows one dwelling unit per 1,500 - 2,000 square feet of land, which is generally the density of apartment buildings and townhouses. The R-70 High Density Residential zone allows one regular dwelling unit per 450 square feet, one efficiency unit per 300 square feet, and one rooming unit per 200 square feet of land. This zone would allow for apartment buildings."

B. U.S. Army Corps of Engineers Determination

Since the publication of the Draft EIR, the U.S. Army Corps of Engineers, at the City's request, conducted field surveys of the site and sent a letter to the City with its determination that there are 0.06 acres (roughly 2,600 square feet) of regular ponding on the site that falls within its jurisdiction. The letter to the City from the Corps regarding the jurisdictional acreage is included in the Final EIR as Appendix D. According to the Corps, "fill placed in this 0.06 acre wetland, that are above the headwaters, will likely qualify for Department of Army authorization under nationwide permit #26 for impacts of less than on [sic] acre (33 CFR 330 Appendix A (b) (26)) pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). So long as impacts to the aquatic ecosystem are minimal and all conditions listed in the enclosure are met, notification to the Corps of Engineers requesting written verification that such fill is authorized under the nationwide permit is optional."^a Based on this determination, the project as proposed can be built without obtaining written authorization from the Corps. A map showing the location of the 0.06 acres of seasonal freshwater wetlands subject to Corps jurisdiction is included in the Final EIR as Appendix E. To reflect the Corps determination, inclusion of the following text is provided for clarification purposes only; its substance does not change any analyses or conclusions reached in the Draft EIR.

The following text replaces the last sentence in the first full paragraph on page 3-9:

"The COE has determined that there are 0.06 acres (roughly 2,600 square feet) of regular ponding on the site that falls within its jurisdiction. The letter to the City from the COE regarding the jurisdictional acreage is included in the EIR as Appendix D. The COE letter indicates that the project as proposed can be built without obtaining written authorization from the COE.⁹ A map showing the location of the 0.06 acres of seasonal freshwater wetlands subject to Corps jurisdiction is included in the EIR as Appendix E."

The following text is included as Footnote 9 on page 3-10:

"9 Blodgett, Max R., U.S. Army Corps of Engineers, Letter to the City of Oakland, August 19, 1994."

^aLetter to the City of Oakland from Max R. Blodgett, U.S. Army Corps of Engineers, August 19, 1994.

The following paragraph replaces the first full paragraph on page 4.1-10:

"Section 404 of the Federal Clean Water Act regulates discharge of fill material into "waters of the United States," including wetlands. Under the Clean Water Act, the U.S. Army Corps of Engineers ("COE") must issue a permit for any project that proposes to fill wetlands of more than one acre. The COE determined that there are 0.06 acres (roughly 2,600 square feet) of regular ponding on the site that falls within its jurisdiction. The letter to the City from the COE regarding the jurisdictional acreage is included in the EIR as Appendix D. The COE letter indicates that the project as proposed can be built without obtaining written authorization from the COE.⁵ A map showing the location of the 0.06 acres of seasonal freshwater wetlands subject to Corps jurisdiction is included in the EIR as Appendix E. A more extensive discussion of the COE's role and responsibilities related to wetlands is provided in Section 4.10 of this EIR."

The following text is included as Footnote 5 on page 4.1-13:

"5 Blodgett, Max R., U.S. Army Corps of Engineers, Letter to the City of Oakland, August 19, 1994."

The following paragraph is inserted before the last full paragraph on page 4.10-7:

"Section 404 of the Federal Clean Water Act regulates discharge of fill material into "waters of the United States," including wetlands. Under the Clean Water Act, the U.S. Army Corps of Engineers ("COE") must issue a permit for any project that proposes to fill wetlands of more than one acre. The COE determined that there are 0.06 acres (roughly 2,600 square feet) of regular ponding on the site that falls within its jurisdiction. The letter to the City from the COE regarding the jurisdictional acreage is included in the EIR as Appendix D. The COE letter indicates that the project as proposed can be built without obtaining written authorization from the COE.^{25a} A map showing the location of the 0.06 acres of seasonal freshwater wetlands subject to Corps jurisdiction is included in the EIR as Appendix E. A more extensive discussion of the COE's role and responsibilities related to wetlands is provided in Section 4.10 of this EIR."

The following text is included as Footnote 25a on page 4.10-24:

"25a Blodgett, Max R., U.S. Army Corps of Engineers, Letter to the City of Oakland, August 19, 1994."

C. Creation of 0.37 Acres of Wetlands

As part of the dedicated open space set aside at the northerly end of the site, the project will include the creation of 0.37 acres (roughly 16,100 square feet) of seasonal freshwater wetlands within the 100 foot shoreline band along Damon Slough. These wetlands will be adjacent to and augment the 0.24 acres of off-site tidal wetlands already present along the south shore of the slough. To reflect the creation of this wetland acreage, inclusion of the following text is provided for clarification purposes only; its substance does not change any analyses or conclusions reached in the Draft EIR.

The following sentence replaces the third sentence in the first paragraph on page 1-1:

"The northerly 9.1 acres of the site would be developed thereafter with up to 115,000 square feet of value-oriented retail uses, parking, and dedicated open space alongside Damon Slough that would include 0.37 acres of seasonal freshwater wetlands and a public access trail."

The following sentence replaces the first sentence in the second paragraph on page 2-1:

"The proposed Coliseum Shoreline Project would consist of a value-oriented, general merchandise, retail shopping complex comprising a maximum of approximately 250,000 total gross square feet (gsf) of floor space, 1,296 parking spaces (5.2 spaces per 1,000 gsf), associated landscaping, lighting, loading and on-site circulation improvements, and dedicated open space alongside Damon Slough with 0.37 acres of seasonal freshwater wetlands and a public walkway within the 100-foot BCDC shoreline jurisdictional zone."

The following sentence replaces the third sentence in the last paragraph on page 2-23:

"The remainder of the project site would be developed to contain approximately 219,000 gross square feet (gsf) of value-oriented retail uses, 1,021 parking spaces, landscaping, lighting, loading areas, and dedicated open space with 0.37 acres of seasonal freshwater wetlands and a public walkway within the 100-foot BCDC shoreline jurisdictional zone."

The following sentence replaces the second sentence in the third full paragraph on page 2-24:

"The project area would contain approximately 275,000 gsf of value-oriented retail uses, 1,210 parking spaces, landscaping, lighting, loading areas, and dedicated open space with 0.37 acres of seasonal freshwater wetlands and a public walkway within the 100-foot BCDC shoreline jurisdictional zone."

The following sentence replaces the second sentence in the first full paragraph on page 2-25:

"This alternative would contain approximately 350,000 gsf of value-oriented retail uses, a minimum of 1,750 parking spaces, landscaping, lighting, loading areas, and dedicated open space with 0.37 acres of seasonal freshwater wetlands and a public walkway within the 100-foot BCDC shoreline jurisdictional zone."

The following sentence replaces the second sentence in the fourth paragraph on page 3-5:

"The dedicated open space would include the creation of 0.37 acres of seasonal freshwater wetlands, a public access trail, and possibly, vista points, a rest area, and shoreline education monuments."

The following sentence replaces the first sentence in the third paragraph on page 4.1-11:

"Development of the project site as proposed would place dedicated open space that would include the creation of 0.37 acres of seasonal freshwater wetlands as well as parking along the northwest boundary of the site."

The following sentence replaces the third sentence in the last paragraph on page 5-3:

"The remainder of the project site would be developed to contain approximately 219,000 gross square feet (gsf) of value-oriented retail uses, 1,021 parking spaces, landscaping, lighting, loading areas, and dedicated open space with 0.37 acres of seasonal freshwater wetlands and a public walkway within the 100-foot BCDC shoreline jurisdictional zone (see Figure 5.1)."

The following sentence replaces the first sentence in the first full paragraph on page 5-11:

"The project area would contain approximately 275,000 gsf of value-oriented retail uses, 1,210 parking spaces, landscaping, lighting, loading areas, and dedicated open space with 0.37 acres of seasonal freshwater wetlands and a public walkway within the 100-foot BCDC shoreline jurisdictional zone (see Figure 5.2)."

The following sentence replaces the first sentence in the third paragraph on page 5-18:

"This alternative would contain approximately 350,000 gsf of value-oriented retail uses, a minimum of 1,750 parking spaces, landscaping, lighting, loading areas, and dedicated open space with 0.37 acres of seasonal freshwater wetlands and a public walkway within the 100-foot BCDC shoreline jurisdictional zone."

D. Alternatives to the Project

Because of the determination by the Corps regarding 0.06 acres (roughly 2,600 square feet) of jurisdictional wetlands, and the indication that the project as proposed can be built without obtaining written authorization from the Corps (see section B above), there are non-substantive changes to the text related to Alternatives 2, 3, and 4 of the Draft EIR; i.e., its substance does not change any analyses or conclusions reached in the Draft EIR. The following text is provided for clarification purposes only.

The following text replaces the first two sentences in the last paragraph on page 2-23:

"Alternative 2 sets aside approximately 2.2 acres along the southwestern boundary of the site that comprise a man-made stormwater treatment facility. Under this alternative, the 2.2-acre area would be reserved for future use and left undeveloped."

The following text replaces the first sentence in the third full paragraph on page 2-24:

"Alternative 3, like the proposed project, assumes that there are 0.06 acres of regular ponding on the site, that this area is within the jurisdiction of the COE, and that this alternative can be built without obtaining written authorization from the COE."

The following text replaces the first sentence in the first full paragraph on page 2-25:

"Alternative 4, like the proposed project and Alternative 3, assumes that there are 0.06 acres of regular ponding on the site, that this area is within the jurisdiction of the COE, and that this alternative can be built without obtaining written authorization from the COE."

The following text replaces the first sentence in the last paragraph on page 5-3:

"Alternative 2 sets aside approximately 2.2 acres along the southwestern boundary of the site that comprise a man-made stormwater treatment facility."

The following text replaces the first sentence in the last paragraph on page 5-10:

"Alternative 3, like the proposed project, assumes that there are 0.06 acres of regular ponding on the site, that this area is within the jurisdiction of the COE, and that this alternative can be built without obtaining written authorization from the COE."

The following text replaces the first sentence in the second paragraph on page 5-18:

"Alternative 4, like the proposed project and Alternative 3, assumes that there are 0.06 acres of regular ponding on the site, that this area is within the jurisdiction of the COE, and that this alternative can be built without obtaining written authorization from the COE."

E. Signalization of the Main Project Driveway

The analyses of the Draft EIR are based on the assumption that the intersection of the main project driveway and Oakport Street would be signalized as part of the project. Accordingly, the following text change is included for clarification purposes only; its substance does not change any analyses or conclusions reached in the Draft EIR.

The following paragraph replaces the fifth paragraph on page 3-5:

"Other integral components of the project include the redesign of Oakport Street to include signalization at its intersection with the center (main) project driveway, deceleration/ acceleration lanes along the project frontage to enhance traffic safety, provision of sidewalks along the frontage, and improved bicycle routes/lanes."

F. Remediation Plan

The Port of Oakland has sent a copy of the hazardous materials remediation plan to the Alameda County Department of Environmental Health to notify them of the plans for remediation.^b Accordingly, the following text changes are included for clarification purposes only; its substance does not change any analyses or conclusions reached in the Draft EIR.

The following sentence replaces the last sentence in the first full paragraph on page 4.6-6:

"Previous reports and remediation plans for the project site have been submitted to Alameda County for review."²⁰

The following text replaces the text of Footnote 20 on page 4.6-20:

"Schoenholz, Dan, Port of Oakland, Letter to Ed Haskell, Alameda County Department of Environmental Health, February 29, 1994."

G. Noise - Land Use Compatibility

Figure 4.9.2 of the Draft EIR included an incorrect citation for the source. The correct source reference is:

"State of California, Governor's Office of Planning and Research,
General Plan Guidelines, 1987"

Correction of this text does not alter findings of significance in the EIR and is provided for clarification purposes only.

^bLetter to Ed Haskell, Alameda County Department of Environmental Health, from Dan Schoenholz, Port of Oakland, February 29, 1994.

V. REPORT PREPARERS

EIR AUTHORS

City of Oakland, Office of Planning and Building
1330 Broadway, 2nd Floor
Oakland, California 94612
Director: Kay Winer
Deputy Director: Alvin D. James
Environmental Review Coordinator: Anu Raud
Project Manager: Stanley Muraoka

EIR CONSULTANTS

Brian J. Kalahar
24 Redding Place
Oakland, CA 94619

Environmental Science Associates, Inc.
301 Brannan Street, Suite 200
San Francisco, California 94107
Principal-In-Charge: Marty Abell
Project Manager: Dan Wormhoudt
Deputy Project Manager: Lily Chinn
Project Participants: Nancy Barbic
Lisa Crossett
Jack Hutchison
Virginia Mahacek
Valerie Reichert
Jeff Wehling

Korve Engineering
155 Grand Avenue, Suite 400
Oakland, California 94607
Project Manager: Kirin Parmar

Orion Environmental Associates
315 Washington Street
Oakland, California 94607
Project Manager: Joyce Hsiao

Pryde Roberts Carr
1042 Bayview Avenue
Oakland, California 94610
Project Manager: Blanche Hite Carr

Jan Newton, Ph.D.
700 Tennessee Avenue
San Francisco, California 94107

VI. APPENDICES

APPENDIX A

U.S. ARMY CORPS OF ENGINEERS LETTER



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
211 MAIN STREET
SAN FRANCISCO, CALIFORNIA 94105-1905

AUG 19 1994

Construction-Operations Division
Regulatory Branch

Subject: File Number 20492-E50

City of Oakland
c/o Huffman & Associates, Inc.
Attention: Terry Huffman
700 Larkspur Landing Circle, Suite 100
Larkspur, CA 94939

Dear Mr. Huffman:

This is in response for your request for confirmation of a jurisdictional delineation for a parcel on Oakland Street between Hassler Way and 66th Avenue in Oakland, Contra Costa County, dated March 29, 1994.

We have reviewed the accompanying submittals and visited the parcel on July 6, and August 11, 1994. Based on this information, we have arrived at the following conclusions.

The drainage ditch extending along the north eastern portion of the parcel is not jurisdictional because it was excavated on dry land, drains the road and the land in the immediate vicinity of the ditch.

The drainage swale running along the south western edge of the parcel parallel to the railroad tracks is not jurisdictional for the same reason.

Regular ponding appears to occur in a teardrop-shaped depression at the southwest corner of the parcel. This is due to ineffective draining of surface runoff probably as a result of the Hassler Way which obstructs the gentle slope to the southeast. The surface soil has high clay content and consequently ponds easily. The area of ponding roughly covers 0.06 acres and is considered jurisdictional wetland subject to regulation by the Corps of Engineers.

We have based this jurisdictional delineation on the current conditions of the site. A change in those conditions may also change the extent of our jurisdiction. This jurisdictional delineation will expire in three years from the date of this letter. However, if there has been a change in circumstances which effects the extent of Corps jurisdiction, a revision may be done before that date.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps of Engineers pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Fill placed in this 0.06 acres wetland, that are above the headwaters, will likely qualify for Department of the Army authorization under nationwide permit #26 for impacts of less than on acre (33 CFR 330 Appendix A (b) (26)) pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). So long as impacts to the aquatic ecosystem are minimal and all conditions listed in the enclosure are met, notification to the Corps of Engineers requesting written verification that such fill is authorized under the nationwide permit is optional.

Note that Nationwide permit #26 has not been certified by the State of California. Hence, any proposed fill within jurisdictional wetlands shall be authorized only after you receive water quality certification or waiver under Section 401 of the Clean Water Act from the San Francisco Bay Regional Water Quality Control Board. Any special conditions included in that certification shall be considered an integral part of our authorization which will automatically become effective when you receive notification from them.

If you have any questions, please call Liz Varnhagen of our Regulatory Branch at 415-744-3318 Ext. 248. Address correspondence to the District Engineer, Attention: Regulatory Branch, and refer to file number 20492 E50.

Sincerely,


Max R. Blodgett
Chief, Construction-Operations
Division

Copy furnished:

US FWS, Sacramento, CA
US EPA, S.F., CA
CA RWQCB, Oakland, CA
CA F&G, Yountville, CA
US NMFS, Santa Rosa, CA
CA BCDC, San Francisco, CA

NATIONWIDE PERMIT 26

HEADWATERS AND ISOLATED WATERS DISCHARGES (Section 404)

The Corps of Engineers has issued a nationwide general permit authorizing discharges of dredged or fill material into headwaters and isolated waters provided:

- a. The discharge does not cause the loss of more than 10 acres of waters of the United States;
- b. The permittee notifies the District Engineer if the discharge would cause the loss of waters of the United States greater than one acre in accordance with the "Notification" general condition. For discharges in special aquatic sites, including wetlands, the notification must also include a delineation of affected special aquatic sites, including wetlands. (Also see 33 CFR 330.1(e)); and,
- c. The discharge, including all attendant features, both temporary and permanent, is part of a single and complete project.

For the purposes of this nationwide permit, the acreage of loss of waters of the United States includes the filled area plus waters of the United States that are adversely affected by flooding, excavation or drainage as a result of the project. The ten-acre and one-acre limits of NWP 26 are absolute, and cannot be increased by any mitigation plan offered by the applicant or required by the District Engineer.

Subdivisions: For any real estate subdivision created or subdivided after October 5, 1984, a notification pursuant to subsection b. of this nationwide permit is required for any discharge which would cause the aggregate total loss of waters of the United States for the entire subdivision to exceed one (1) acre. Any discharge in any real estate subdivision which would cause the aggregate total loss of waters of the United States in the subdivision to exceed ten (10) acres is not authorized by this nationwide permit; unless the District Engineer exempts a particular subdivision or parcel by making a written determination that: (1) The individual and cumulative adverse environmental effects would be minimal and the property owner had, after October 5, 1984, but prior to January 21, 1992, committed substantial resources in reliance on NWP 26 with regard to a subdivision, in circumstances where it would be inequitable to frustrate his investment-backed expectations, or (2) that the individual and cumulative adverse environmental effects would be minimal, high quality wetlands would not be adversely affected, and there would be an overall benefit to the aquatic environment. Once the exemption is established for a subdivision, subsequent lot development by individual property owners may proceed using NWP 26. For purposes of NWP 26, the term "real estate subdivision" shall be interpreted to include circumstances where a landowner or developer divides a tract of land into smaller parcels for the purpose of selling, conveying, transferring, leasing, or developing said parcels. This would include the entire area of a residential, commercial or other real estate subdivision, including all parcels and parts thereof.

A. GENERAL CONDITIONS. The following general conditions must be followed in order for any authorization by a nationwide permit to be valid:

1. No activity may cause more than a minimal adverse effect on navigation.

2. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

3. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date.

4. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.

5. Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance.

6. The activity must comply with any regional conditions which may have been added by the Division Engineer (see 33 CFR 330.4[e]) and any case specific conditions added by the Corps.

7. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status. Information on Wild and Scenic Rivers may be obtained from the National Park Service and the U. S. Forest Service.

8. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. In certain states, an individual state water quality certification must be obtained or waived. IN CALIFORNIA, CERTIFICATION IS REQUIRED. In Nevada, certification is required in Truckee and Carson River Drainages. In Utah and Colorado, certification is NOT required.

10. No activity is authorized under any nationwide permit which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non federal permittees shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish & Wildlife Service and National Marine Fisheries Service.

11. No activity which may affect Historic properties listed or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR 325, appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.

12. Notification:

a. Where required by the terms of the nationwide permit the prospective permittee must notify the District Engineer as early as possible and shall not begin the activity:

(1) Until notified by the District Engineer that the activity may proceed under the nationwide permit with any special conditions imposed by the District or Division Engineer; or,

(2) If notified by the District or Division Engineer that an individual permit is required; or,

(3) Unless 30 days have passed from the District Engineer's receipt of the notification and the prospective permittee has not received notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the nationwide permit may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5[d](2).

b. The notification must be in writing and include the following information and any required fees:

(1) Name, address and telephone number of the prospective permittee;

(2) Location of the proposed project;

(3) Brief description of the proposed project, the project's purpose, direct and indirect adverse environmental effects the project would cause, and any other nationwide permits, regional general permits or individual permits used or intended to be used to authorize any part of the proposed project or any related activity;

(4) Where required by the terms of the nationwide permit, a delineation of affected special aquatic sites, including wetlands; and,

(5) A statement that the prospective permittee has contacted:

(i) The US Fish & Wildlife Service/National Marine Fisheries Service regarding the presence of any Federally listed (or proposed for listing) endangered or threatened species or critical habitat in the permit area that may be affected by the proposed project, and any available information provided by those agencies. (The prospective permittee may contact Corps District Offices for USFWS/NMFS agency contacts and lists of critical habitat);

(ii) The State Historic Preservation Office regarding the presence of any historic properties in the permit area that may be affected by the proposed project; and the available information, if any, provided by that agency.

c. The standard individual permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PDN and must include all of the information required in b (1-5), of General Condition 12.

d. In reviewing an activity under the notification procedure, the District Engineer will first determine whether the activity will result in more than minimal individual or cumulative adverse environmental effects or will be contrary to the public interest. The prospective permittee may, at his option, submit a proposed mitigation plan with the predischARGE notification to expedite the process and the District Engineer will consider any optional mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed work are minimal. The District Engineer will consider any comments from Federal and State Agencies concerning the proposed activity's compliance with the terms and conditions of the nationwide permits and the need for mitigation to reduce the project's adverse environmental effects to a minimal level. The District Engineer will, upon receipt of a notification, provide immediately (e.g. facsimile transmission, overnight mail or other expeditious manner) a copy to the appropriate offices of the Fish and Wildlife Service, State natural resource or water quality agency, EPS and, if appropriate, the National Marine Fisheries Service. With the exception of nationwide permit number 37, these agencies will then have 5 calendar days from the date the material is transmitted to telephone the District Engineer if they intend to provide substantive, site specific comments. If so contacted by an agency, the District Engineer will wait an additional 10 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification. If the District Engineer determines that the activity complies with the terms and conditions of the nationwide permit and that the adverse effects are minimal, he will notify the permittee and include any conditions he deems necessary. If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then he will notify the applicant either:

(1) That the project does not qualify for authorization under the nationwide permit and instruct the applicant on the procedures to seek authorization under an individual permit; or,

(2) That project is authorized under the nationwide permit subject to the applicant's submitting mitigation proposal that would reduce the adverse effects to the minimal level. This mitigation proposal must be approved by the District Engineer prior to commencing work. If the prospective permittee elects to submit a mitigation plan, the District Engineer will expeditiously review the proposed mitigation plan, but will not commence a second 30 day notification procedure. If the net adverse effects of the project (with the mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant informing him that the project can proceed under the terms and conditions of the nationwide permit.

e. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 30 day period will not start until the wetland delineation has been completed.

f. Factors that the District Engineer will consider when determining the acceptability of appropriate and practicable mitigation include, but are not limited to:

(1) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of overall project purposes; and,

(2) To the extent appropriate, permittees should consider mitigation banking and other forms of mitigation including contributions to wetland trust funds which contribute to the restoration, creation, replacement, enhancement, or preservation of wetlands.

Furthermore, examples of mitigation that may be appropriate and practicable include but are not limited to: reducing the size of the project; establishing buffer zones to protect aquatic resource values; and replacing the loss of aquatic resource values by creating, restoring, and enhancing similar functions and values. In addition, mitigation must address impacts and cannot be used to offset the acreage of wetland losses that would occur in order to meet the acreage limits of some of the nationwide permits (e.g. 5 acres of wetlands cannot be created to change a 6 acre loss of wetlands to a 1 acre loss; however, the 5 created acres can be used to reduce the impacts of the 6 acre loss).

B. SECTION 404 ONLY CONDITIONS. In addition to the General Conditions, the following conditions apply only to activities that involve the discharge of dredged or fill material and must be followed in order for authorization by the nationwide permits to be valid:

1. No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.

2. No discharge of dredged or fill material may occur in areas of concentrated shellfish production, unless the discharge is directly related to a shellfish harvesting activity authorized by nationwide permit 4.

3. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, etc.) and material discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

4. Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (i.e., on site), unless the District Engineer has approved a compensation mitigation plan for the specific regulated activity.

5. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

6. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

7. If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

8. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

9. Any temporary fills must be removed in their entirety and the affected areas returned to the preexisting elevation.

C. FURTHER INFORMATION:

1. District Engineers have the authority to determine if an activity complies with the terms and conditions of a nationwide permit.

2. Nationwide permits do not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.

3. Nationwide permits do not grant any property rights or exclusive privileges.

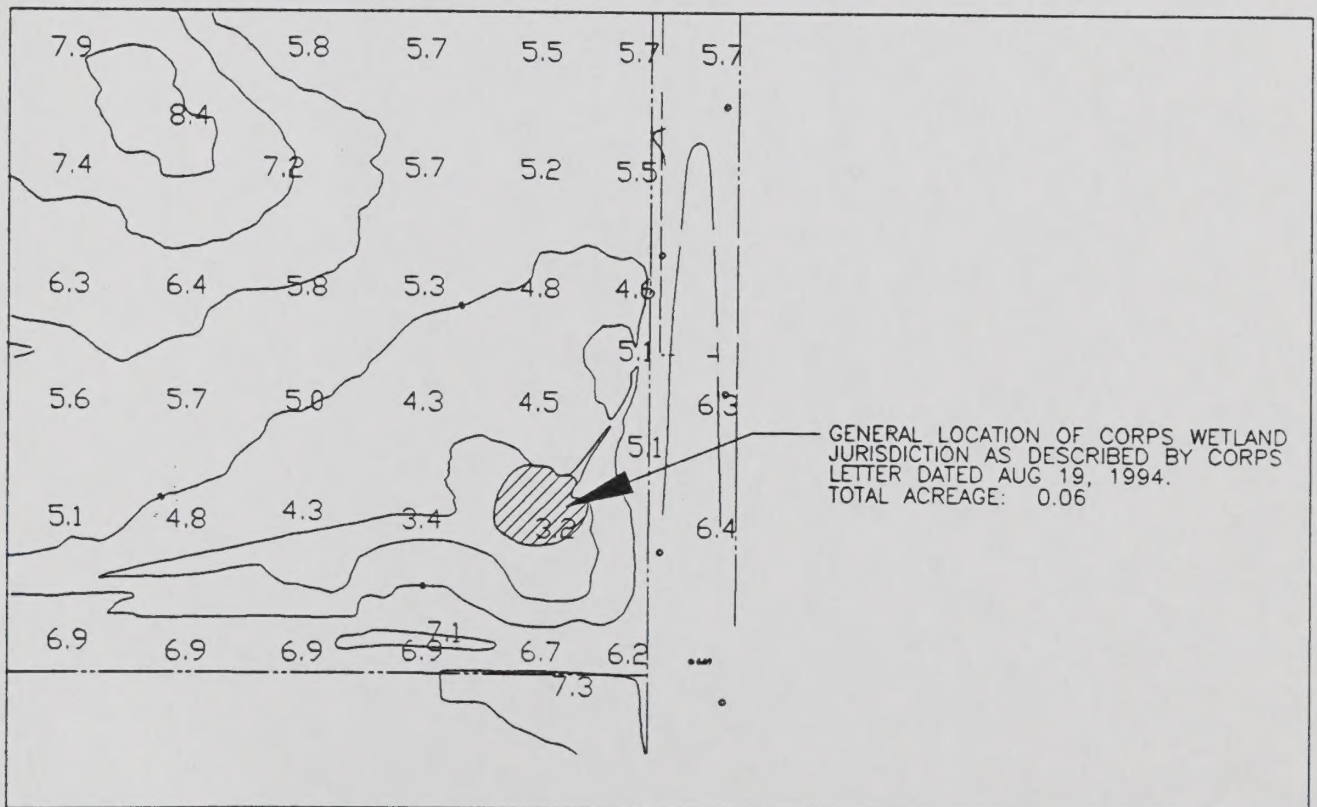
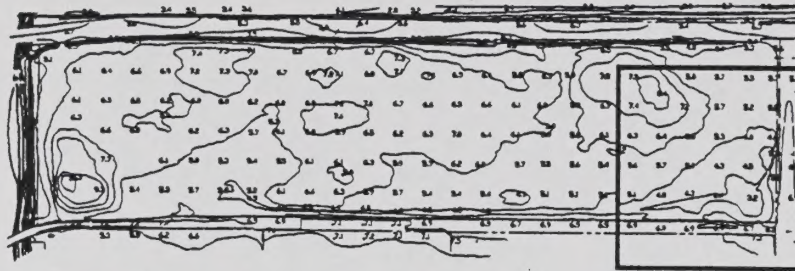
4. Nationwide permits do not authorize any injury to the property or rights of others.

5. Nationwide permits do not authorize interference with any existing or proposed Federal project.

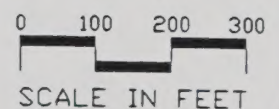
APPENDIX B

LOCATION OF THE JURISDICTIONAL WETLANDS

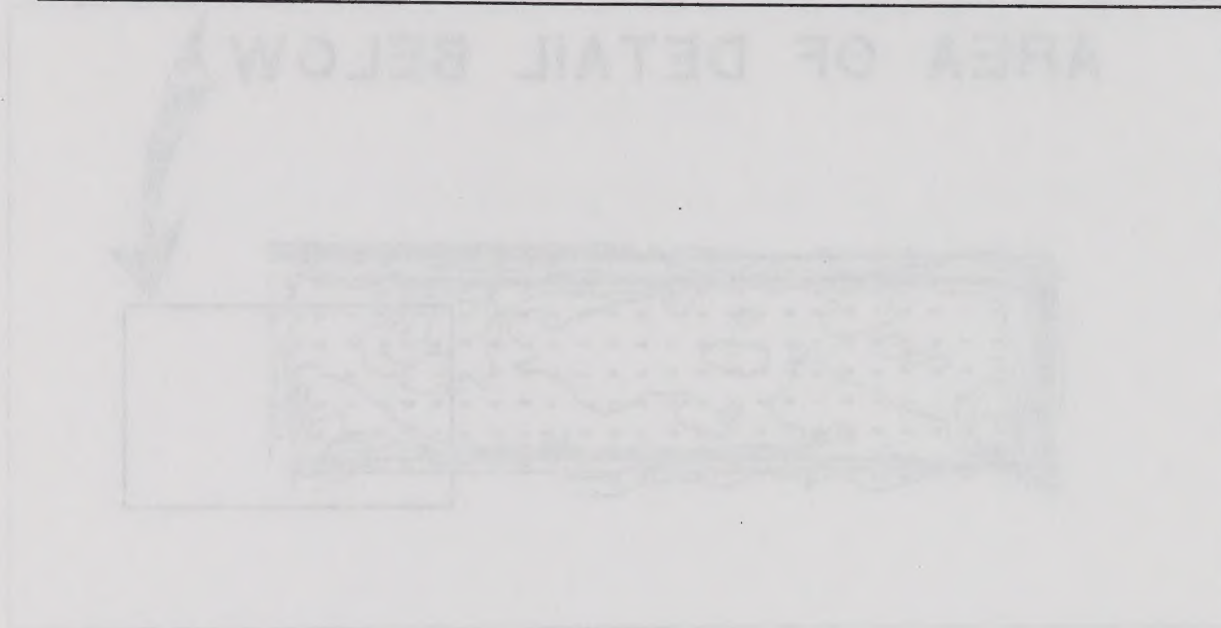
AREA OF DETAIL BELOW



ATTACHMENT NO. 1: LOCATION OF WETLANDS
SUBJECT TO CORPS REGULATION



SCALE	GRAPHIC SCALE	PROJECT NAME	COSTCO SITE	SHEET NO.
DATE	USGS-MSL	CONSULTANT	HUFFMAN & ASSOCIATES, INC.	
ENVIRONMENTAL REGULATORY CONSULTANTS	700 Larkspur Landing Circle, Suite 100 Larkspur, California 94939	APPROVED BY:	T. HUFFMAN	REVISION LEVEL & DATE
DATE	21 MAR 94	DRAWN BY:	J. L. L.	CAD FILE NAME: 01\000000.DETAIL



ATTACHMENT NO. 1: LOCATION OF WETLANDS
SUBJECT TO CORPS REGULATION

U.C. BERKELEY LIBRARIES



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**City of Oakland
Office of Planning and Building
1330 Broadway, 2nd Floor
Oakland, California 94612
(510) 238-3102**